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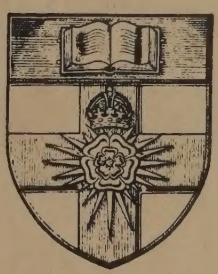

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B I L L S,

PUBLIC:

EIGHT VOLUMES.

—(4.)—

ELECTRIC LIGHTING PROVISIONAL ORDERS (No. 4)

TO

LOCAL COURTS OF BANKRUPTCY (IRELAND).

Session

12 *March* 1894 —— 25 *August* 1894.

VOL. IV.

1894.

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BILLS.

1894.

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B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Aberdare, Birmingham, Chelmsford, and Guildford. A.D. 1894.

WHEREAS under the authority of the Electric Lighting Acts, 1882 and 1888, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act: 45 & 46 Vict. c. 56. 51 & 52 Vict. c. 12.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Acts is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Acts, as set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Electric Lighting Orders Confirmation (No. 4) Act, 1894. Short title.

2. The several Orders, as amended and set out in the schedule to this Act, shall be and the same are hereby confirmed, and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and effect. Orders in schedule confirmed.

A.D. 1894.

SCHEDULE.

LIST OF ORDERS.

1. Aberdare.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to J. C. Howell, Limited.

2. Birmingham.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Birmingham Electric Supply Company, Limited.

3. Chelmsford.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to Crompton and Company, Limited.

4. Guildford.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Holloway Electricity Supply Company, Limited.

ABERDARE ELECTRIC LIGHTING.

A.D. 1894.

Aberdare.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to J. C. Howell, Limited, in respect of the Parish of Aberdare in the County of Glamorgan.

Preliminary.

Short title.

1. This Order may be cited as the Aberdare Electric Lighting Order 1894.

Interpretation.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts 1882 and 1888 and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act" and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings provided that in this Order—

The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882;

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied;

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply;

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers;

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply;

The expression "general supply" shall mean the general supply of energy to ordinary consumers and unless otherwise specially agreed with the local authority to the public lamps, but shall not include the supply of energy to any one or more particular consumers under special agreement;

The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order;

The expression "county council" shall mean the county council of Glamorgan.

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers;

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The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines;

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected;

The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as herein-after defined;

The expression "tramway" shall mean any tramway laid along any street;

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof;

The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively;

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade;

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet or to such other scales as the Board of Trade may approve of for both plan and section together with such detail plan and sections as may be necessary.

Commencement of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Address and Description of the Undertakers.

Address and description of Undertakers.

4. The Undertakers for the purpose of this Order are J. C. Howell Limited being a company registered under the Companies Acts 1862 to 1890 with limited liability and having its registered offices at No. 24 Queen Victoria Street in the City of London.

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order or of the principal Act such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned.

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any licence provisional order or special Act unless the Undertakers are authorised by Parliament to do so.

If in contravention of this section the Undertakers purchase or acquire any such undertaking or associate themselves with such any other company or person the Board of Trade may if they think fit revoke this Order upon such terms as they think just.

Area of Supply.

Area of supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule which said area is more particularly delineated upon the deposited map and thereon coloured red.

Prohibition of supply beyond area of supply.

6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply otherwise than under the authority of Parliament or under a licence granted by the Board of Trade under the principal Act.

If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

Security for execution of works.

7. The Undertakers within a period of six months after the commencement of this Order and before exercising any of the powers by this Order conferred on them in relation to the execution of works shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply.

The Undertakers shall also within six months after the commencement of this Order or such extended period as may be approved by the Board of Trade and before exercising any of the powers conferred on them in relation to the execution of works deposit or secure to the satisfaction of the Board of Trade a sum of two hundred pounds.

If the Undertakers fail to show to the satisfaction of the Board of Trade within any such period as aforesaid that they are in such a position as above mentioned or fail to deposit or secure such sum as aforesaid the Board of Trade may after considering any representations which the local authority may make revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply upon such terms as they may think just.

The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties when and so soon as it may be certified by an inspector to be appointed by the Board of Trade that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street or part of a street

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specified in that behalf in the Second Schedule or at such earlier dates and by such instalments as may be approved by the Board of Trade.

Audit of Undertakers' accounts.

8. The annual statement of accounts of the undertaking before being published as provided by section nine of the Electric Lighting Act 1882 shall so long as the local authority are not the Undertakers be examined and audited by such competent and impartial person as the Board of Trade shall appoint and the remuneration of the auditor shall be such as the Board of Trade shall direct and the same and all expenses incurred by him in or about the execution of his duties to such an amount as the Board of Trade shall approve shall be paid by the Undertakers on demand and shall be recoverable summarily as a civil debt.

The Undertakers shall give to the auditor his clerks and assistants access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit and shall when required furnish to him and them all vouchers and information requisite for such purpose and shall afford to him and them all facilities for the proper execution of his and their duty.

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted or otherwise for the purpose of giving effect to the provisions of this section.

Any report made by the auditor or such portion thereof as the Board of Trade shall direct shall be appended to the annual statement of accounts and shall form part thereof for the purposes of the said section nine.

Nature and Mode of Supply.

Systems and mode of supply.

9. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act provided as follows:—

(1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

(2.) The Undertakers shall not without the express consent of the Board of Trade and the local authority place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purposes of supply; and

(3.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid unless such connection is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions if any of such approval.

Works.

Powers for execution of works.

10. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land dedicated to public use Provided however as respects any such railway that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway except such streets railways or tramways (if any) or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section thirteen of the Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been specified in the said schedule.

Street boxes.

11. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy including apparatus for the proper ventilation of such boxes Provided that no such box or apparatus shall be placed above ground except with the consent of the authority body or person by whom such street is repairable.

Every such box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works or for other like purposes connected with the undertaking and the Undertakers may place therein meters switches and any other suitable and proper apparatus for any of the above purposes.

Every such box including the upper surface or covering thereof shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise.

The local authority may with the approval of the Board of Trade prescribe the hours during which the Undertakers are to have access to such boxes and if the Undertakers during any hours not so prescribed remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority they shall be liable to a penalty not exceeding

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five pounds for every such offence and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the Court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Notice of works with plan to be served on the Postmaster-General and local authority.

12. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in under along or across any street or public bridge the following provisions shall have effect:—

(*a.*) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a notice upon the Postmaster-General and the local authority describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street or bridge or any sewer drain or tunnel therein or thereunder is to be interfered with and shall upon being required to do so by the Postmaster-General or the local authority give him or them any such further information in relation thereto as he or they may desire.

In calculating the above-mentioned period of one month no part of the month of August shall be included

(*b.*) The Postmaster-General or the local authority may in his or their discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Undertakers.

(*c.*) Where the Postmaster-General or the local authority approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapprove of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same.

(*d.*) If the Postmaster-General or the local authority fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them he or they shall be deemed to have approved such works and plan.

(*e.*) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General and the local authority or by the Board of Trade as above mentioned but where any such works description and plan are

so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and the principal Act.

(*f.*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority for any loss or damage which he or they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Where in any case a street or public bridge is repairable by the county council this section shall be read and construed as if "county council" were substituted for "local authority" wherever that expression occurs.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers' works or their supply of energy.

As to streets not repairable by local authority railways tramways and canals.

13. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under along or across any street or part of a street not repairable by the local authority or county council or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested:

(*a.*) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under this Order or the principal Act serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal (as the case may be) in this section referred to as the "owners" describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

(*b.*) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof.

(*c.*) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon

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the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(*d.*) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible.

(*e.*) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.

(*f.*) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works.

(*g.*) Where the repair renewal or amendment of any existing works of which the character or position is not altered will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than twenty-four hours' notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

(*h.*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that

the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Street authority &c. may give notice of desire to break up streets &c. on behalf of Undertakers.

14. Any body or person for the time being liable to repair any street or part of a street or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order may if they think fit serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served Where any such body or person (in this section referred to as the "givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested:—

(*a.*) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or neglected to comply with such requisition as herein-after provided or in cases of emergency.

(*b.*) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act the Undertakers shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged.

(*c.*) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.

(*d.*) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.

(*e.*) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition

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on the givers of the notice but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice.

(*f.*) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

(*g.*) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily.

(*h.*) The givers of the notice may, if they think fit, requires the Undertakers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order If the Undertakers fail to give any such security within seven days after being required to do so or in case of difference after such difference has been determined by a court of summary jurisdiction they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains tunnels or other works or railway or tramway as in this section mentioned.

As to alteration of pipes wires &c. under streets.

15. The Undertakers may alter the position of any pipes (not forming part of any sewer of the local authority) or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested :—

(*a.*) One month before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as "the operators" shall serve a notice upon the body or person for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as "the owners" describing the

proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

(*b.*) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(*c.*) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible.

(*d.*) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.

(*e.*) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after provided.

(*f.*) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made.

(*g.*) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be

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subject to in executing such alterations so far as the same may be applicable.

(*h.*) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.

(*i.*) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily.

(*j.*) Any owners may if they think fit by any statement served by them under this section upon any operators not being a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order and where any operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given

(*k.*) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

Laying of electric lines &c. near sewers, &c. or gas or water pipes or other electric lines.

16. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer drain watercourse defence or work under the jurisdiction or control of the local authority or any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as the "operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to the local authority or to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as the "owners" not less than three days' notice before commencing to dig or sink such trench as aforesaid and such owners shall be

entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer drain watercourse defence pipe syphon electric line or work and for securing access thereto and they shall also if required to do so by the owners thereof repair any damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the position of any pipe electric line or work they shall temporarily support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade and the Undertakers shall not except with the consent of the gas electric supply or water company as the case may be and of the Board of Trade lay their electric lines so as to come into contact with any such mains pipes lines or services or except with the like consent employ any such mains pipes lines or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the operators were ignorant of the position of the sewer drain watercourse defence pipe electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "water company" shall mean any body or person lawfully supplying water or water power and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act but not under this Order.

For protection of railway and canal companies.

17. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways tunnels arches works or conveniences belonging to any railway or canal company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection of telegraphic and telephonic wires.

18.—(1.) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of all

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descriptions and in working their undertaking so as not injuriously to affect whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed laid down or placed their electric lines or other works or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby such question shall be determined by arbitration and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in or additions to their system so as to comply with the provisions of this section and the Undertakers shall make such alterations or additions accordingly.

(2.) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Undertakers shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and the manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose of preventing such injurious affection and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

(3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings Provided that the Undertakers shall not be subject to any such

penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

Mains &c. to be laid down in streets specified in Second Schedule and in remainder of area of supply.

19.—(1.) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule and shall thereafter maintain the same.

(2.) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule the Undertakers shall (unless the authority or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section thirteen of the Electric Lighting Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

As to laying of electric line under special agreement.

20. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer and not for the purposes of general supply the Undertakers shall serve upon the local authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid a notice stating that the Undertakers intend to lay such electric line and setting forth the effect of this section and if within the said period any two or more of such owners or occupiers shall

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require in accordance with the provisions of this Order that a supply shall be given to their premises the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

If Undertakers fail to lay down mains &c. Order may be revoked.

21. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may after considering any representations of the local authority either revoke this Order as to the whole or any part of the area of supply or if the Undertakers so desire suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order Provided that the Board of Trade shall not revoke this Order as to part of the area of supply where the Undertakers make a representation that they desire to be relieved of their liabilities as respects the rest of the area of supply and in such case the Board of Trade shall not under this section revoke this Order otherwise than as to the whole of the area of supply.

Manner in which requisition is to be made.

22. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street or where the local authority has the control and management of the public lamps in such street or part of a street by the local authority.

Every such requisition shall be signed by the persons making the same or by the local authority (as the case may be) and shall be served upon the Undertakers.

Forms of requisition shall be kept by the Undertakers at their office and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same and any requisition so supplied shall be deemed valid in point of form.

Provisions on requisition by owners or occupiers.

23. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom the requisition is signed stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice Provided that in such notice the Undertakers

shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected or in case of difference the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade who after such inquiry if any as they shall think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years and to specify such sum or percentage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly.

In the case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement such difference shall subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid be determined by arbitration.

Provisions on requisition by local authority.

24. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected or within fourteen days thereafter there be tendered to the Undertakers (if required by them) an agreement executed by the local authority and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control,

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Supply.

Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.

25. The Undertakers shall upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order subject to the conditions following (that is to say) :—

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property shall if the Undertakers so require be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them.

Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues.

Provided also that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may if they think fit discontinue to supply energy to such premises so long as such user continues.

Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines fittings or apparatus such difference shall be determined by arbitration.

Maximum power.

26. The maximum power with which any consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption on his premises Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration shall be paid by him to the Undertakers and may be recovered summarily as a civil debt.

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration.

Supply of energy to public lamps.

27. The Undertakers upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

Penalty for failure to supply.

28. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp and for each day on which any such default occurs.

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Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

Price.

Methods of charging.

29. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement) :—

(1.) By the actual amount of energy so supplied; or

(2.) By the electrical quantity contained in such supply; or

(3.) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method.

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall give notice to the local authority by what method they propose to charge for energy supplied through such main and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the local authority and to every consumer of energy who is supplied by them from such main.

Maximum prices.

30. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively or in the case of a method of charge approved by the Board of Trade such price as the Board shall on approving such method determine.

Provided that if the local authority or the Undertakers shall at any time after the expiration of seven years after the commencement of this Order make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered the Board of Trade after such inquiry as they may think fit may make an order varying the prices or methods of charge stated in the said schedule or

so approved as aforesaid or substituting other prices or methods of charge in lieu thereof and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the Order as if they had been stated in the said schedule Provided also that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

Other charges by agreement.

31. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge accordingly.

Price to public lamps.

32. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps and the mode in which such charges shall be ascertained shall be settled by agreement between the local authority and the Undertakers and in case of difference by arbitration regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose and the prices charged to ordinary consumers in the district.

Electric Inspectors.

Appointment of electric inspectors.

33. The local authority so long as they are not themselves the Undertakers for the purposes of this Order may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

If no electric inspector is appointed by the local authority or if the inspection of electric lines and works is imperfectly attended to by the local authority or if the local authority themselves become the Undertakers for the purposes of this Order the Board of Trade on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows:—

(*a.*) The inspection and testing periodically and in special cases of the Undertakers' electric lines and works and the supply of energy given by them;

(*b.*) The certifying and examination of meters; and

(*c.*) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The local authority with the approval of the Board of Trade or the Board of Trade if the inspector is appointed by them may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector and also the fees to be taken by him and such fees shall be accounted for and applied as may be directed by the local authority or the Board of Trade as the case may be.

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Remuneration of electric inspectors.

34. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine and such remuneration may be in addition to or in substitution for any fees directed to be paid to electric inspectors in respect of their duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act according as the local authority shall determine.

Inquiry by Board of Trade and reports of accidents.

35. The Board of Trade may also if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order so far as such provisions affect the safety of the public have been complied with by the Undertakers and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

The Undertakers shall send to the Board of Trade notice of any accident by explosion or fire, and also of any other accident of such kind as to have caused or to be likely to have caused loss of life or personal injury which may occur in any part of the Undertakers' works or their circuits or in connexion with the same and also notice of any loss of life or personal injury (if any) occasioned by any such accident.

Such notice shall be sent by the earliest practicable post after the accident occurs or as the case may be after the loss of life or personal injury becomes known to the Undertakers.

If the Undertakers fail to comply with the provisions of this section they shall be liable for each offence to a penalty not exceeding twenty pounds.

Testing and Inspection.

Testing of mains.

36. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade

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37. An electric inspector if and when required to do so by any consumer shall on payment by the consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Testing of works and supply on consumer's premises.

38. The Undertakers shall at such places within a reasonable distance from a distributing main establish at their own cost and keep in proper condition such reasonable number of testing stations as the local authority or where the local authority are the Undertakers as the Board of Trade shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade and shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing.

If any dispute arises between the local authority and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive or as to any excessive or improper use of energy for such testing or as to the performance by the Undertakers of their duties under this section such dispute shall be determined by arbitration.

Undertakers to establish testing stations.

39. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take and record and keep recorded such observations as the Board of Trade may prescribe and any observations so recorded shall be receivable in evidence.

Undertakers to keep instruments on their premises.

40. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place set up or keep at any testing station or on their own premises and any electric inspector appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed and any readings so recorded shall be receivable in evidence.

Readings of instruments to be taken.

41. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers and ascertaining if the same are in order and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

Electric inspector may test Undertakers' instruments.

42. The Undertakers may if they think fit on each occasion of the testing of any main or service line or the testing or inspection of any instruments

Representation of Undertakers at testings.

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of the Undertakers by any electric inspector be represented by some officer or other agent but such officer or agent shall not interfere with the testing or inspection.

Undertakers to give facilities for testing.

43. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or under this Order in that behalf and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

Report of results of testing.

44. Every electric inspector shall on the day immediately following that on which any testing has been completed by him under this Order make and deliver a report of the results of his testing to the authority or person by whom he was required to make such testing and to the Undertakers and such report shall be receivable in evidence.

If the Undertakers or any such authority or person are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal and their decision shall be final and binding on all parties.

Expenses of electric inspector.

45. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade and shall be paid by the Undertakers.

Provided that where the report of an electric inspector or the decision of the Board of Trade shows that any consumer was guilty of any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the court or Board having regard to such report or decision shall direct and may be recovered summarily as a civil debt.

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

Meters.

Meters to be used except by agreement.

46. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

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47. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter" Provided that where any alteration is made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Meter to be certified.

48. Every electric inspector on being required to do so by the Undertakers or by any consumer and on payment of the prescribed fee by the party so requiring him shall examine any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified.

Inspector to certify meters.

49. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter and shall if required so to do fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable times and execute all necessary works and do all necessary acts Provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.

Undertakers to supply meters if required to do so.

50. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Meters not to be connected or disconnected without notice.

51. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value and in default of his so doing the Undertakers may cease to supply energy through such meter.

Consumer to keep his meter in proper order.

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary shall

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if the meter be found to be not in proper order be paid by the consumer but if the same be in proper order all expenses connected therewith shall be paid by the Undertakers.

Power to the Undertakers to let meters.

52. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such remuneration in money and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers to keep meter let for hire in repair.

53. The Undertakers shall unless the agreement for hire otherwise provides at all times at their own expense keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for correctly registering such value and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all reasonable times Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

Differences as to correctness of meter to be settled by inspector.

54. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers) is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be determined upon the application of either party by an electric inspector or where the local authority are the consumers by an inspector to be appointed by the Board of Trade who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

Undertakers to pay expenses of providing new meters where method of charge altered.

55. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

Undertakers may place meters to measure supply or to check measurement thereof.

56. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy

supplied to such consumer or the number of hours during which such supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply Provided that such meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Board of Trade and shall be supplied and maintained entirely at the cost of the Undertakers and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Maps.

Map of area of supply to be made.

57. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains service lines and other underground works and street boxes and shall once in every year cause such map to be duly corrected so as to show the then existing lines The Undertakers shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground works other than service lines The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Undertakers at their principal office within the area of supply and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

The Undertakers shall if so required by the Board of Trade or the Postmaster-General or the local authority supply to them or him a copy of any such map or section and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Special Provisions in case of Transfer.

Application of moneys received by local authority as Undertakers.

58. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

(A.) All moneys received by the Undertakers in respect of the undertaking except (*a*) borrowed money (*b*) money arising from the disposal of lands acquired for the purposes of this Order and (*c*) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:—

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(1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers their officers or servants in relation to the undertaking.

(2.) In payment of the interest or dividend on any mortgages stock or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes.

(3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.

(4.) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital.

(5.) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the Undertakers and accumulating the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or any part thereof to the improvement of the district for which they are the local authority or in reduction of the capital moneys borrowed for electricity purposes.

Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under

the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

(1.) In the reduction of the capital moneys borrowed by them for electricity purposes.

(2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

Purchase and use of lands.

59. If the local authority become the Undertakers for the purposes of this Order the following provision shall have effect:—

Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

Provided also that the Undertakers shall not purchase or acquire for the purposes of this Order ten or more houses which on the 15th day of December last before the transfer of the undertaking to the local authority were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said 15th day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Incorporation of section 265 of Public Health Act 1875.

60. If the local authority become the Undertakers for the purposes of this Order section two hundred and sixty-five of the Public Health Act 1875 shall be incorporated with this Order and in the construction of that section "this Act" shall mean this Order and the principal Act and the "local authority" shall mean the local authority as such Undertakers.

Notices &c.

Notices &c. may be printed or written.

61. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the local authority the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication.

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Service of notices &c.

62. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively :—

(*a.*) In the case of the Board of Trade the office of the Board of Trade ;

(*b.*) In the case of the Postmaster-General the General Post Office ;

(*c.*) In the case of any county council the office of such council ;

(*d.*) In the case of any local authority the office of such local authority ;

(*e.*) In the case of the Undertakers or any other company having a registered office the registered office of the Undertakers or such company ;

(*f.*) In the case of a company having an office or offices but no registered office the principal office of that company ;

(*g.*) In the case of any other person the usual or last known place of abode of such person.

A notice order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing the notice on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be reckoned in the computation of such time that is to say Sunday Christmas Day Good Friday any bank holiday under and within the meaning of the Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving.

Revocation of Order.

Revocation of Order where Undertakers are insolvent.

63. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made default in executing works or supplying energy in accordance with the terms of this Order and that such default is in consequence of the insolvency of the Undertakers and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order the Board of Trade may after such inquiry as they may think necessary and after considering any representations of the local authority revoke this Order as to the whole or with the consent of the Undertakers as to any part of the area of supply.

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Revocation of Order where undertaking cannot be carried on with profit.

64. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit and ought to be abandoned the Board of Trade shall inquire into the truth of such representation and if upon such inquiry they are satisfied of the truth of such representation they may if in their discretion they think fit revoke this Order as to the whole or (with the consent of the Undertakers and of the local authority) as to any part of the area of supply.

Revocation of Order with consent.

65. In addition to any other powers which the Board of Trade may have in that behalf they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority upon such terms as the Board of Trade may think just.

Provisions where Order revoked.

66. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply under any of the provisions of this Order the following provisions shall have effect:—

(*a.*) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority and shall in such notice fix a date at which such revocation shall take effect and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area or part thereof as aforesaid shall absolutely cease and determine.

(*b.*) Within two months after the service of such notice by the Board of Trade upon the local authority the local authority if they think fit may by notice in writing require the Undertakers to sell and thereupon the Undertakrs shall sell to them so much of the undertaking or such part thereof as aforesaid as is within the district of the local authority upon terms of paying the then value of all land buildings works materials and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid such value being agreed or estimated in manner directed by the Electric Lighting Act 1888 in the case of purchases effected by the local authority under section two of that Act.

(*c.*) Where any purchase is so effected the undertaking or part thereof so purchased shall vest in the local authority freed from any debts mortgages or similar obligations of the Undertakers or attaching to the undertaking and the revocation of this Order as to the whole of the area of supply or such part thereof as aforesaid shall extend only to the revocation of the rights powers authorities duties and obligations of the Undertakers from whom the undertaking or such part thereof as aforesaid is purchased in relation to the supply of energy within such area or part thereof and save as aforesaid this Order shall remain in full force within such area or part thereof in favour of the local authority by whom such undertaking or part thereof is purchased as aforesaid.

(*d.*) Where no purchase has been effected under the preceding provisions of this section the local authority and any body or person who may be liable to repair any street or part of a street in which any works of the Under

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takers may have been placed may (subject however to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care and the Undertakers shall pay to the local authority or other such body or person as aforesaid such reasonable costs of such removal and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person or (if so required by the Undertakers within one week after the service of such notice upon them) as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice or the delivery of the award of the arbitrator (as the case may be) the local authority or other such body or person as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any such works as aforesaid either by public auction or private sale and for such sum or sums and to such person or persons as they may think fit and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

(*e.*) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area or part thereof as aforesaid or the exercise of any powers by this Order granted to the Undertakers or for any expenses to which such local authority body or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof and which may not have been repaid or released to the Undertakers and such money shall be applied rateably in satisfying such claims and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid shall be determined by arbitration.

General.

Remedying of system and works.

67. If at any time it is represented to the Board of Trade (*a*) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or (without such consent or approval as is required by this Order) have permitted any part of their circuits to be connected with earth or placed any electric line above ground or (*b*) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions

subject to which the Undertakers are for the time being authorised to supply energy under this Order or (*c*) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may by order specify the matter complained of and require the Undertakers to abate or discontinue the same within such period as may be therein limited in that behalf and if the Undertakers make default in complying with such order they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

In any case of non-compliance with an order under this section whether a pecuniary penalty has been recovered or not the Board of Trade if in their opinion the public interest so requires may revoke this Order on such terms as they may think just.

Publication of regulations.

68. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and a true copy thereof certified by or on behalf of the Undertakers shall be forthwith served upon the local authority and like copies shall also be kept by the Undertakers at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

Nature and amount of security.

69. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed upon between the parties or as in default of agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings of Board of Trade.

70. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or assistant secretary of the Board.

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All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or assistant secretary of the Board or by any person authorised in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate signed by the President of the Board of Trade that any order made or act done is the order or the act of the Board shall be conclusive evidence of the order or act so certified.

Approval or consent of Board of Trade.

71. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit.

All costs and expenses of or incident to any approval consent certificate or order of the Board of Trade or of any inspector or person appointed by the Board of Trade including the costs of any inquiry or tests for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by the applicant or applicants therefor Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may as they think fit revoke any approval so given or permit such approval to be continued subject to such modifications as they may think necessary.

Notice of approval of Board of Trade &c. to be given by advertisement.

72. Where the Board of Trade upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or where the Board of Trade upon the application of the local authority or the Undertakers revoke this Order as to the whole or any part of the area of supply notice that such approval has been given or such extension of time granted or such revocation made shall if the Board of Trade so direct be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

Notice of application for extension of time &c. to be given to local authority.

73. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers notice of such application shall be served on the local authority by the Undertakers and an opportunity shall be given to the local authority to make representations or objections with reference thereto.

Recovery and application of penalties.

74. All penalties fees expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Any penalty recovered on prosecution by an officer of the local authority shall if there is an electric inspector for the time being appointed by the local authority be paid to such officer and by him to the local authority and shall be applied in aid of the local rate.

Any penalty recovered on prosecution by any other body or person or any part thereof may if the court shall so direct be paid to such body or person.

Undertakers to be responsible for all damages.

75. The Undertakers shall be answerable for all accidents damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works and shall save harmless all authorities bodies and persons by whom any street is repairable and all other authorities companies and bodies collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries.

As to mortgages.

76. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking or any part thereof under section two of the Electric Lighting Act 1888 or under this Order and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being sold or transferred as aforesaid and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

Saving clause for Postmaster-General.

77. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts 1863 to 1892 and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Undertakers not exempted from proceedings for nuisance.

78. Nothing in this Order shall exonerate the Undertakers from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Provision as to general Acts.

79. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Order.

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SCHEDULES.

FIRST SCHEDULE.

Area of supply:—

All such portion of the area under the jurisdiction of the Aberdare Local Board as lies within a circle the centre of which is the eastern end of St. Elvan's Church in Aberdare and the radius of which is half a mile.

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order:—

High Street from Canon Street to Commercial Place.	Canon Street and
Commercial Place.	Commercial Street from Canon Street to Duke Street.
Cardiff Street from Commercial Place to Cross Street.	

THIRD SCHEDULE.

List of streets not repairable by the local authority railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order:—

(*a.*) *Streets.*

Oak Street.	Rachel Street.
Bethnel Street.	Catherine Street.
Bond Street.	Mary Street.
Upper Regent Street.	John Street.
Little Wind Street.	Highland Place.
David Price Street.	Unity Street.
Albert Street.	Brondeg Street.
Dumfries Street.	Pembroke Street.
Elizabeth Street.	Hall Street.
Ynyslwyd Street.	Bank Street.
Griffith Street.	Morgan Street.

North Avenue.	Wayne Street.
South Avenue.	Ann Street.
Gadlys Street.	Thomas Street.
Dowlais Street.	Bridge Street.
Oxford Street.	Wellington Street.
Railway Street.	Forge Row.

(*b.*) *Railways.*

The following level crossings :—

The Taff Vale Railway at Commercial Street.	The Great Western Railway at Monk Street.

(*c.*) *Tramways.*

None.

FOURTH SCHEDULE.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour.

Section 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

Section 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section one of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

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BIRMINGHAM ELECTRIC LIGHTING.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 *and* 1888 *to the Birmingham Electric Supply Company Limited in respect of a portion of the City of Birmingham.*

Preliminary.

Short title.

1. This Order may be cited as the Birmingham Electric Light and Power Order 1894.

Interpretation.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts 1882 and 1888 and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act" and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings provided that in this Order—

The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882:

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied:

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply:

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers:

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply:

The expression "general supply" shall mean the general supply of energy to ordinary consumers and unless otherwise specially agreed with the local authority to the public lamps but shall not include the supply of energy to any one or more particular consumers under special agreement:

The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order:

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers:

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines:

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected:

The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as hereinafter defined:

The expression "tramway" shall mean any tramway laid along any street:

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof:

The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively:

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade.

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet with such detail plan and sections as may be necessary.

Commencement of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Address and Description of the Undertakers.

Address and description of Undertakers.

4. The Undertakers for the purposes of this Order are the Birmingham Electric Supply Company Limited being a company registered under the Companies Acts 1862 to 1890 with limited liability and having its registered offices at 14 Dale End in the City of Birmingham.

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order or of the principal Act such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the Company above mentioned.

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any license provisional order or special Act unless the Undertakers are authorised by Parliament to do so.

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If in contravention of this section the Undertakers purchase or acquire any such undertaking or associate themselves with such other company or person the Board of Trade may if they think fit revoke this Order upon such terms as they may think just.

Area of Supply.

Area of supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule which said area is more particularly delineated upon the deposited map and thereon coloured red.

Prohibition of supply beyond area of supply.

6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply otherwise than under the authority of Parliament or under a licence granted by the Board of Trade under the principal Act.

If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

Security for execution of Works.

7. The Undertakers within a period of six months after the commencement of this Order and before exercising any of the powers by this Order conferred on them in relation to the execution of works shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply.

If the Undertakers fail to show to the satisfaction of the Board of Trade within any such period as aforesaid that they are in such a position as above mentioned the Board of Trade may after considering any representations which the local authority may make revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply upon such terms as they may think just.

Audit of Undertakers' accounts.

8. The annual statement of accounts of the undertaking before being published as provided by section nine of the Electric Lighting Act 1882 shall so long as the local authority are not the Undertakers be examined and audited by such competent and impartial person as the Board of Trade shall appoint and the remuneration of the auditor shall be such as the Board of Trade shall direct and the same and all expenses incurred by him in or about the execution of his duties to such an amount as the Board of Trade shall approve shall be paid by the Undertakers on demand and shall be recoverable summarily as a civil debt.

The Undertakers shall give to the auditor his clerks and assistants access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit and shall when required furnish to him and them all vouchers and information requisite for such purpose and shall afford to him and them all facilities for the proper execution of his and their duty.

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The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted or otherwise for the purpose of giving effect to the provisions of this section.

Any report made by the auditor or such portion thereof as the Board of Trade shall direct shall be appended to the annual statement of accounts and shall form part thereof for the purposes of the said section nine.

Nature and Mode of Supply.

Systems and mode of supply.

9. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act provided as follows:—

(1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public and for ensuring a proper and sufficient supply of energy as the Board of Trade may impose; and

(2.) The Undertakers shall not without the express consent of the Board of Trade and the local authority place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purpose of supply; and

(3.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions if any of such approval.

Works.

Powers for execution of works.

10. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land dedicated to public use Provided however as respects any such railway that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway except such streets railways or tramways (if any) or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section thirteen of the

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Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been specified in the said schedule.

Street boxes.

11. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy including apparatus for the proper ventilation of such boxes Provided that no such box or apparatus shall be placed above ground except with the consent of the authority body or person by whom such street is repairable.

Every such box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works or for other like purposes connected with the undertaking and the Undertakers may place therein meters switches and any other suitable and proper apparatus for any of the above purposes.

Every such box including the upper surface or covering thereof shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise.

The local authority may with the approval of the Board of Trade prescribe the hours during which the Undertakers are to have access to such boxes and if the Undertakers during any hours not so prescribed remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority they shall be liable to a penalty not exceeding five pounds for every such offence and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Notice of works with plan to be served on the Postmaster-General and local authority.

12. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in under along or across any street or public bridge the following provisions shall have effect:—

(*a.*) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a notice upon the Postmaster-General and the local authority describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street or bridge or any sewer drain or tunnel therein or thereunder is to be interfered with and shall upon being required to do so by the Postmaster-General or the local authority give

him or them any such further information in relation thereto as he or they may desire In calculating the above-mentioned period of one month no part of the month of August shall be included.

(*b.*) The Postmaster-General or the local authority may in his or their discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Undertakers.

(*c.*) Where the Postmaster-General or the local authority approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapprove of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same.

(*d.*) If the Postmaster-General or the local authority fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them he or they shall be deemed to have approved such works and plan.

(*e.*) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General and the local authority or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and the principal Act.

(*f.*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority for any loss or damage which he or they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers' works or their supply of energy.

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As to streets not repairable by local authority railways tramways and canals.

13. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under along or across any street or part of a street not repairable by the local authority or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested:—

(*a.*) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under this Order or the principal Act serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal (as the case may be) in this section referred to as the "owners" describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

(*b.*) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof.

(*c.*) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(*d.*) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible.

(*e.*) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as hereinbefore mentioned or as may be agreed upon between the parties.

(*f.*) All works to be executed by the Undertakers under this section shall

be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works.

(*g.*) Where the repair renewal or amendment of any existing works of which the character or position is not altered will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in case of emergency give to the owners not less than twenty-four hours' notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

(*h.*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Street authority &c. may give notice of desire to break up streets &c. on behalf of Undertakers.

14. Any body or person for the time being liable to repair any street or part of a street or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order may if they think fit serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served Where any such body or person (in this section referred to as the "givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested :—

(*a.*) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or neglected to comply with such requisition as hereinafter provided or in cases of emergency.

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(*b.*) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act the Undertakers shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged.

(*c.*) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.

(*d.*) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.

(*e.*) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice.

(*f.*) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

(*g.*) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily.

(*h.*) The givers of the notice may if they think fit require the Undertakers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order If the Undertakers fail to give any such security within seven days after being required to do so or in case of difference after such difference has been determined by a court of summary

jurisdiction they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains tunnels or other works or railway or tramway as in this section mentioned.

As to alteration of pipes wires &c. under streets.

15. The Undertakers may alter the position of any pipes (not forming part of any sewer of the local authority) or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested:—

(*a.*) One month before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as the "operators" shall serve a notice upon the body or person for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as the "owners" describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

(*b.*) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(*c.*) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible.

(*d.*) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be

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settled by arbitration has been so settled the operators upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as hereinbefore mentioned or as may be agreed upon between the parties.

(*e.*) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as hereinafter provided.

(*f.*) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made.

(*g.*) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable.

(*h.*) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.

(*i.*) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily.

(*j.*) Any owners may if they think fit by any statement served by them under this section upon any operators not being a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order and where any operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given.

(*k.*) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other

compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

Laying of electric lines &c. near sewers &c. or gas or water pipes or other electric lines.

16. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer drain watercourse defence or work under the jurisdiction or control of the local authority or any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as the "operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to the local authority or to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as the "owners" not less than three days' notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer drain watercourse defence pipe syphon electric line or work and for securing access thereto and they shall also if required to do so by the owners thereof repair any damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the position of any pipe electric line or work they shall temporarily support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade and the Undertakers shall not except with the consent of the gas electric supply or water company as the case may be and of the Board of Trade lay their electric lines so as to come into contact with any such mains pipes lines or services or except with the like consent employ any such mains pipes lines or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

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If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the operators were ignorant of the position of the sewer drain watercourse defence pipe electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "water company" shall mean any body or person lawfully supplying water or water power and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act but not under this Order.

For protection of railway and canal companies.

17. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways tunnels arches works or conveniences belonging to any railway or canal company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection of telegraphic and telephonic wires.

18.—(1.) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to affect whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed laid down or placed their electric lines or other works or worked their undertaking in contravention of this subsection and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby such question shall be determined by arbitration and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in or additions to their system so as to comply with the provisions of this section and the Undertakers shall make such alterations or additions accordingly.

(2.) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Undertakers

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shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose of preventing such injurious affection and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

(3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

Mains &c. to be laid down in streets specified in Second Schedule and in remainder of area of supply.

19.—(1.) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule and shall thereafter maintain the same.

(2.) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply upon being required to do so in manner by this Order provided.

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All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule the Undertakers shall (unless the authority or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section thirteen of the Electric Lighting Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

As to laying of electric line under special agreement

20. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer and not for the purposes of general supply the Undertakers shall serve upon the local authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid a notice stating that the Undertakers intend to lay such electric line and setting forth the effect of this section and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order that a supply shall be given to their premises the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

If Undertakers fail to lay down mains &c. Order may be revoked.

21. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may after considering any representations of the local authority either revoke this Order as to the whole or any part of the area of supply or if the Undertakers so desire suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order:

Provided that the Board of Trade shall not revoke this Order as to part of the area of supply where the Undertakers make a representation that they desire to be relieved of their liabilities as respects the rest of the area of supply and in such case the Board of Trade shall not under this section revoke this Order otherwise than as to the whole of the area of supply.

Manner in which requisition is to be made.

22. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street or where the local authority has the

control and management of the public lamps in such street or part of a street by the local authority.

Every such requisition shall be signed by the persons making the same or by the local authority (as the case may be) and shall be served upon the Undertakers.

Forms of requisition shall be kept by the Undertakers at their office and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same and any requisition so supplied shall be deemed valid in point of form.

Provisions on requisition by owners or occupiers.

23. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom such requisition is signed stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected or in case of difference the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade who after such inquiry (if any) as they shall think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such

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longer period than three years and to specify such sum or percentage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly.

In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement such difference shall subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid be determined by arbitration.

Provisions on requisition by local authority.

24. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected or within fourteen days thereafter there be tendered to the Undertakers (if required by them) an agreement executed by the local authority and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

Supply.

Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.

25. The Undertakers shall upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order subject to the conditions following (that is to say):—

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property shall if the Undertakers so require be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

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Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them.

Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues.

Provided also that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may if they think fit discontinue to supply energy to such premises so long as such user continues.

Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines fittings or apparatus such difference shall be determined by arbitration.

Maximum power.

26. The maximum power with which any consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption on his premises Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers and any expenses reasonably incurred by the Undertakers in respect to the service lines by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises

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consequent upon such alteration shall be paid by him to the Undertakers and may be recovered summarily as a civil debt.

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration.

Supply of energy to public lamps.

27. The Undertakers upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

Penalty for failure to supply.

28. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp and for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

Price.

Methods of charging.

29. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

(1.) By the actual amount of energy so supplied; or

(2.) By the electrical quantity contained in such supply; or

(3.) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method.

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall give notice to the local authority by what method they propose to charge for energy supplied through such main and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the local authority and to every consumer of energy who is supplied by them from such main.

Maximum prices.

30. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively or in the case of a method of charge approved by the Board of Trade such price as the Board of Trade shall on approving such method determine.

Provided that if the local authority or the Undertakers shall at any time after the expiration of seven years after the commencement of this Order make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered the Board of Trade after such inquiry as they may think fit may make an order varying the prices or methods of charge stated in the said schedule or so approved as aforesaid or substituting other prices or methods of charge in lieu thereof and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order as if they had been stated in the said schedule Provided also that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

Other charges by agreement.

31. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge accordingly.

Price to public lamps.

32. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps and the mode in which such charges shall be ascertained shall be settled by agreement between the local authority and the Undertakers and in case of difference by arbitration regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose and the prices charged to ordinary consumers in the district.

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Electric Inspectors.

Birmingham. Appointment of electric inspectors.

33. The local authority so long as they are not themselves the Undertakers for the purposes of this Order may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

If no electric inspector is appointed by the local authority or if the inspection of electric lines and works is imperfectly attended to by the local authority or if the local authority themselves become the Undertakers for the purposes of this Order the Board of Trade on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows :—

(*a.*) The inspection and testing periodically and in special cases of the Undertakers' electric lines and works and the supply of energy given by them ;

(*b.*) The certifying and examination of meters ; and

(*c.*) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The local authority with the approval of the Board of Trade or the Board of Trade if the inspector is appointed by them may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector and also the fees to be taken by him and such fees shall be accounted for and applied as may be directed by the local authority or the Board of Trade as the case may be.

Remuneration of electric inspectors.

34. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine and such remuneration may be in addition to or in substitution for any fees directed to be paid to electric inspectors in respect of their duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act according as the local authority shall determine.

Inquiry by Board of Trade and reports of accidents.

35. The Board of Trade may also if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order so far as such provisions affect the safety of the public have been complied with by the Undertakers and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

The Undertakers shall send to the Board of Trade notice of any accident by explosion or fire and also of any other accident of such kind as to have caused or to be likely to have caused loss of life or personal injury which may

occur in any part of the Undertakers' works or their circuits or in connexion with the same and also notice of any loss of life or personal injury (if any) occasioned by any such accident.

Such notice shall be sent by the earliest practicable post after the accident occurs or as the case may be after the loss of life or personal injury becomes known to the Undertakers.

If the Undertakers fail to comply with the provisions of this section they shall be liable for each offence to a penalty not exceeding twenty pounds.

Testing and Inspection.

Testing of mains.

36. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of works and supply on consumer's premises.

37. An electric inspector if and when required to do so by any consumer shall on payment by the consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Undertakers to establish testing station.

38. The Undertakers shall at such places within a reasonable distance from a distributing main establish at their own cost and keep in proper condition such reasonable number of testing stations as the local authority or where the local authority are the Undertakers as the Board of Trade shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade and shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing.

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If any dispute arises between the local authority and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive or as to any excessive or improper use of energy for such testing or as to the performance by the Undertakers of their duties under this section such dispute shall be determined by arbitration.

Undertakers to keep instruments on their premises.

39. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take and record and keep recorded such observations as the Board of Trade may prescribe and any observations so recorded shall be receivable in evidence.

Readings of instruments to be taken.

40. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place set up or keep at any testing station or on their own premises and any electric inspector appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed and any readings so recorded shall be receivable in evidence.

Electric inspector may test Undertakers' instruments.

41. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers and ascertaining if the same are in order and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

Representation of Undertakers at testings.

42. The Undertakers may if they think fit on each occasion of the testing of any main or service line or the testing or inspection of any instruments of the Undertakers by any electric inspector be represented by some officer or other agent but such officer or agent shall not interfere with the testing or inspection.

Undertakers to give facilities for testing.

43. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or under this Order in that behalf and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

Report of results of testing.

44. Every electric inspector shall on the day immediately following that on which any testing has been completed by him under this Order make and deliver a report of the results of his testing to the authority or person by whom he was required to make such testing and to the Undertakers and such report shall be receivable in evidence.

If the Undertakers or any such authority or person are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade

against such report and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal and their decision shall be final and binding on all parties.

Expenses of electric inspector.

45. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade and shall be paid by the Undertakers.

Provided that where the report of an electric inspector or the decision of the Board of Trade shows that any consumer was guilty of any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the court or Board having regard to such report or decision shall direct and may be recovered summarily as a civil debt.

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

Meters.

Meters to be used except by agreement.

46. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meter to be certified.

47. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electrical inspector appointed under this Order to be a correct meter and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter" Provided that where any alteration is made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Inspector to certify meters.

48. Every electric inspector on being required to do so by the Undertakers or by any consumer and on payment of the prescribed fee by the party so requiring him shall examine any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified.

Undertakers to supply meters if required to do so.

49. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter and shall if required so to do fix the same upon the premises of the consumer and

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connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable times and execute all necessary works and do all necessary acts Provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as hereinafter provided.

Meters not to be connected or disconnected without notice.

50. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Consumer to keep his meter in proper order.

51. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value and in default of his so doing the Undertakers may cease to supply energy through such meter.

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary shall if the meter be found to be not in proper order be paid by the consumer but if the same be in proper order all expenses connected therewith shall be paid by the Undertakers.

Power to the Undertakers to let meters.

52. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such remuneration in money and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers to keep meters let for hire in repair.

53. The Undertakers shall unless the agreement of hire otherwise provides at all times at their own expense keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for correctly registering such value and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all reasonable times Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

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Differences as to correctness of meter to be settled by inspector.

54. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers) is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be determined upon the application of either party by an electric inspector or where the local authority are the consumers by an inspector to be appointed by the Board of Trade who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

Undertakers to pay expenses of providing new meters where method of charge altered.

55. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

Undertakers may place meters to measure supply or to check measurement thereof.

56. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply Provided that such meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Board of Trade and shall be supplied and maintained entirely at the cost of the Undertakers and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Maps.

Map of area of supply to be made and deposited.

57. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains service lines and other underground works and street boxes and shall once in every year cause such map to be duly corrected so as to show the then existing lines The Undertakers shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground works other than service lines The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

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Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Undertakers at their principal office within the area of supply and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

The Undertakers shall if so required by the Board of Trade or the Postmaster-General or the local authority supply to them or him a copy of any such map or section and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Purchase by Local Authority.

Application of s. 2 of Electric Lighting Act 1888.

58. The period of forty-two yesrs mentioned in section two of the Electric Lighting Act 1888 shall for the purposes of this Order be reckoned from the 12th day of August 1889.

Application of moneys received by local authority as Undertakers.

59. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

(A.) All moneys received by the Undertakers in respect of the undertaking except (*a*) borrowed money (*b*) money arising from the disposal of lands acquired for the purposes of this Order and (*c*) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:—

(1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers their officers or servants in relation to the undertaking

(2.) In payment of the interest or dividend on any mortgages stock or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes.

(3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.

(4.) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital.

(5) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in

any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the Undertakers and accumulating the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or any part thereof to the improvement of the district for which they are the local authority or in reduction of the capital moneys borrowed for electricity purposes.

Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

(1.) In the reduction of the capital moneys borrowed by them for electricity purposes.

(2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

Purchase and use of lands.

60. If the local authority become the Undertakers for the purposes of this Order the following provision shall have effect:—

Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade,

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Provided also that the Undertakers shall not purchase or acquire for the purposes of this Order ten or more houses which on the fifteenth day of December last before the transfer of the undertaking to the local authority were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Incorporation of s. 265 of Public Health Act 1875.

61. If the local authority become the Undertakers for the purposes of this Order section two hundred and sixty-five of the Public Health Act 1875 shall be incorporated with this Order and in the construction of that section "this Act" shall mean this Order and the principal Act and the "local authority" shall mean the local authority as such Undertakers.

Notices &c.

Notices &c. may be printed or written.

62. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the local authority the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication.

Service of notices &c.

63. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively:—

(*a.*) In the case of the Board of Trade the office of the Board of Trade;

(*b.*) In the case of the Postmaster-General the General Post Office;

(*c.*) In the case of any county council the office of such council;

(*d.*) In the case of any local authority the office of such local authority;

(*e.*) In the case of the Undertakers or any other company having a registered office the registered office of the Undertakers or such company;

(*f.*) In the case of a company having an office or offices but no registered office the principal office of that company;

(*g.*) In the case of any other person the usual or last known place of abode of such person.

A notice order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing it on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be reckoned in the computation of such time that is to say Sunday Christmas Day Good Friday any bank holiday under and within the meaning of the Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving.

Revocation of Order.

Revocation of Order where Undertakers are insolvent.

64. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order and that such default is in consequence of the insolvency of the Undertakers and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order the Board of Trade may after such inquiry as they may think necessary and after considering any representations of the local authority revoke this Order as to the whole or with the consent of the Undertakers as to any part of the area of supply.

Revocation of Order where undertaking cannot be carried on with profit.

65. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit and ought to be abandoned the Board of Trade shall inquire into the truth of such representation and if upon such inquiry they are satisfied of the truth of such representation they may if in their discretion they think fit revoke this Order as to the whole or (with the consent of the Undertakers and of the local authority) as to any part of the area of supply.

Revocation of Order with consent.

66. In addition to any other powers which the Board of Trade may have in that behalf they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority upon such terms as the Board of Trade may think just.

Provisions where Order revoked.

67. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply under any of the provisions of this Order the following provisions shall have effect:—

(*a.*) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority and shall in such notice fix a date at which such revocation shall take effect and from and after such date all the powers and liabilities of the Undertakers under this Order for

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the supply of energy within such area or part thereof as aforesaid shall absolutely cease and determine.

(*b.*) Within two months after the service of such notice by the Board of Trade upon the local authority the local authority if they think fit may by notice in writing require the Undertakers to sell and thereupon the Undertakers shall sell to them so much of the Undertaking or such part thereof as aforesaid as is within the district of the local authority upon terms of paying the then value of all lands buildings works materials and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid such value being agreed or estimated in manner directed by the Electric Lighting Act 1888 in the case of purchases effected by the local authority under section two of that Act.

(*c.*) Where any purchase is so effected the undertaking or part thereof so purchased shall vest in the local authority freed from any debts mortgages or similar obligations of the Undertakers or attaching to the undertaking and the revocation of this Order as to the whole of the area of supply or such part thereof as aforesaid shall extend only to the revocation of the rights powers authorities duties and obligations of the Undertakers from whom the undertaking or such part thereof as aforesaid is purchased in relation to the supply of energy within such area or part thereof and save as aforesaid this Order shall remain in full force within such area or part thereof in favour of the local authority by whom such undertaking or part thereof is purchased as aforesaid.

(*d.*) Where no purchase has been effected under the preceding provisions of this section the local authority and any body or persons who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed may (subject however to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care and the Undertakers shall pay to the local authority or other such body or person as aforesaid such reasonable costs of such removal and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person or (if so required by the Undertakers within one week after the service of such notice upon them) as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice or the delivery of the award of the arbitrator (as the case may be) the local authority or other such body or person as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any such work as aforesaid either by public auction or private sale and for such sum or sums and to such person or persons as they may think fit

and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

(*e.*) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area or part thereof as aforesaid or the exercise of any powers by this Order granted to the Undertakers or for any expenses to which such local authority body or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof and which may not have been repaid or released to the Undertakers and such money shall be applied rateably in satisfying such claims and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid shall be determined by arbitration.

General.

Remedying of system and works.

68. If at any time it is represented to the Board of Trade (*a*) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or (without such consent or approval as is required by this Order) have permitted any part of their circuits to be connected with earth or placed any electric line above ground or (*b*) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order or (*c*) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may by order specify the matter complained of and require the Undertakers to abate or discontinue the same within such period as may be therein limited in that behalf and if the Undertakers make default in complying with such order they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

In any case of non-compliance with an order under this section whether a pecuniary penalty has been recovered or not the Board of Trade if in their

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opinion the public interest so requires may revoke this Order on such terms as they may think just.

Publication of regulations.

69. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and a true copy thereof certified by or on behalf of the Undertakers shall be forthwith served upon the local authority and like copies shall also be kept by the Undertakers at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

Nature and amount of security.

70. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed upon between the parties or as in default of agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings of Board of Trade.

71. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or assistant secretary of the Board.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or assistant secretary of the Board or by any person authorised in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the order or act so certified.

Approval or consent of Board of Trade.

72. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit.

All costs and expenses of or incident to any approval consent certificate or order of the Board of Trade or of any inspector or person appointed by the Board of Trade including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by the applicant or applicants therefor Provided always that where any approval is given by

the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may as they think fit revoke any approval so given or permit such approval to be continued subject to such modifications as they may think necessary.

Notice of approval of Board of Trade &c. to be given by advertisement.

73. Where the Board of Trade upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or where the Board of Trade upon the application of the local authority or the Undertakers revoke this Order as to the whole or any part of the area of supply notice that such approval has been given or such extension of time granted or such revocation made shall if the Board of Trade so direct be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

Notice of application for extension of time &c. to be given to local authority.

74. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers notice of such application shall be served on the local authority by the Undertakers and an opportunity shall be given to the local authority to make representations or objections with reference thereto.

Recovery and application of penalties.

75. All penalties fees expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Any penalty recovered on prosecution by an officer of the local authority shall if there is an electric inspector for the time being appointed by the local authority be paid to such officer and by him to the local authority and shall be applied in aid of the local rate.

Any penalty recovered on prosecution by any other body or person or any part thereof may if the court shall so direct be paid to such body or person.

Undertakers to be responsible for all damages.

76. The Undertakers shall be answerable for all accidents damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works and shall save harmless all authorities bodies and persons by whom any street is repairable and all other authorities companies and bodies collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries.

As to mortgages.

77. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking or any part thereof under section two of the Electric Lighting Act 1888 or under this Order and that any mortgage granted by the Undertakers shall not be a charge upon the

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undertaking or any part thereof in the event of the undertaking or such part being sold or transferred as aforesaid and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

Saving clause for Postmaster-General.

78. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts 1863 to 1892 and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Undertakers not exempted from proceedings for nuisance.

79. Nothing in this Order shall exonerate the Undertakers from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Provision as to general Acts.

80. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Order.

Revocation of Orders of 1889 and 1891.

81. The Birmingham Electric Light and Power Order 1889 and the Birmingham Electric Light and Power Order 1891 are hereby revoked without prejudice to anything done or suffered under those Orders.

SCHEDULES.

FIRST SCHEDULE.

Area of supply:—

So much of the city of Birmingham as lies within a line drawn along the following streets and roads or parts of streets and roads namely:—

From the junction of Easy Row and Broad Street along Easy Row to its junction with Great Charles Street and thence along Great Charles Street to its junction with Summer Row and thence along Summer Row to its junction with the Parade and thence along the Parade to its junction with Newhall Hill and thence along Newhall Hill to its junction with Graham Street and thence along Graham Street to its junction with Legge Lane and thence along Legge Lane to its junction with Albion Street and thence along Albion Street to its junction with Tenby Street and thence along Tenby Street to its junction with Tenby Street North and thence along Tenby Street North to its junction with Warstone Lane and thence along Warstone Lane to its junction with Vyse Street and thence along Vyse Street to its junction with Hylton Street and thence along Hylton Street to its junction with Vyse Street and thence along Vyse Street to its junction with Great Hampton Street and thence along Great Hampton Street to its junction with Constitution Hill and thence along Constitution Hill to its junction with Snow Hill and thence along Snow Hill to its junction with Steelhouse Lane and thence along Steelhouse Lane to its junction with Loveday Street and thence round the open space situate there past the openings therefrom of Lancaster Street Aston Street Vauxhall Street and Stafford Street and thence along Stafford Street to its junction with Dale End and thence along Dale End to its junction with Moor Street and thence along Moor Street to its junction with the Bull Ring and thence across the Bull Ring to the junction of Bell Street with the Bull Ring and thence down the Bull Ring to the commencement of Spiceal Street and thence along Spiceal Street to its junction with Edgbaston Street and thence along Edgbaston Street to its junction with Smallbrook Street and thence along Smallbrook Street and across the Horse Fair to the junction of the Horse Fair with Holloway Head and thence along Holloway Head to its junction with Bath Row and thence along Bath Row to its junction with Islington Row and thence along Islington Row to its junction with Wheeley's Road and thence along Wheeley's Road to its junction with St. James's Road and thence along St. James's Road to its junction with Charlotte Road and thence along Charlotte Road to its junction with Wellington Road and thence along Wellington Road to its junction with the Bristol Road and thence along the Bristol Road to its junction with Priory Road and thence along Priory

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Road to its junction with Church Road and thence along Church Road to its junction with Edgbaston Park Road and thence along Edgbaston Park Road to its junction with Somerset Road and thence along Somerset Road to its junction with Richmond Hill Road and thence along Richmond Hill Road to its junction with Brook Road and thence along Brook Road to its junction with the Harborne Road and thence across the Harborne Road and along Westfield Road to its junction with Woodbourne Road and thence along Woodbourne Road as far as the point where it crosses the Birmingham and Harborne Railway and thence along the line of the said Railway as far as the point at which it is crossed by the Hagley Road and thence along the Hagley Road to its junction with Manor Road and thence along Manor Road to its junction with Melville Road and thence along Melville Road to its junction with Lyttleton Road and thence (leaving St. Augustine's Church on the right) along Lyttleton Road to its junction with Rotton Park Road and thence along Rotton Park Road to its junction with York Road and thence along York Road to its junction with Portland Road and thence along Portland Road to its junction with the Hagley Road and thence along the Hagley Road to its junction with Monument Road and thence along Monument Road to its junction with Ladywood Road and thence along Ladywood Road to its junction with Broad Street and thence along Broad Street to its junction with Easy Row.

Provided that all premises abutting on any part of the said streets and roads through which the said line is drawn shall be deemed to be within the area of supply.

Provided also that in case of difference between the above description and the area delineated on the deposited map the latter shall prevail.

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order:—

Newhall Street.
Graham Street.
Frederick Street.
Vyse Street (from Warstone Lane to Hockley Street).
Northampton Street.
Vittoria Street.
Newhall Hill.
George Street.
Spencer Street (from Warstone Lane to Hockley Street).
Augusta Street.
Warstone Lane (from Vyse Street to Spencer Street).

Upper Priory.
Steelhouse Lane (from Snow Hill to corner of Law Courts).
Broad Street.
Harborne Road (from Five Ways to corner of Augustus Road).
Hagley Road (from Five Ways to corner of Norfolk Road).
Augustus Road (from Chad Road to corner of Norfolk Road).
Norfolk Road (from Hagley Road to Augustus Road).
Calthorpe Road.
Greenfield Crescent.
Highfield Road.
Church Road (from St. George's Church to corner of Arthur Road).
Arthur Road.
Carpenter Road (from Arthur Road to Church Road).
Ampton Road (from Arthur Road to Carpenter Road).
Westbourne Road (from St. George's Church to Vicarage Road).
Vicarage Road.
Chad Road.

THIRD SCHEDULE.

List of streets not repairable by the local authority railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order :—

(*a*) Streets :

Bradford Passage.
Temple Passage.
Passage leading out of New Street by Society of Artists' Buildings.
Burlington Passage.
Peel Passage.
Colonnade Passage.
Nelson Passage.
Passage leading out of High Street towards Moor Street.
Falconer Road.

(*b*) Railways :
None.

(*c*) Tramways :

Birmingham and Aston Tramways.
Birmingham Central Tramways.
Birmingham and Midland Tramways.

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FOURTH SCHEDULE.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour.

Section 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter:—For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

Section 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section one of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

CHELMSFORD ELECTRIC LIGHTING.

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Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 *and* 1888 *to Crompton and Company Limited in respect of the Borough of Chelmsford in the County of Essex.*

Preliminary.

Short title.

1. This Order may be cited as the Chelmsford Electric Lighting Order 1894.

Interpretation.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts 1882 and 1888 and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act" and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings provided that in this Order—

The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882:

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied:

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply:

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers:

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply:

The expression "general supply" shall mean the general supply of energy to ordinary consumers and unless otherwise specially agreed with the local authority to the public lamps but shall not include the supply of energy to any one or more particular consumers under special agreement:

The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order:

The expression "county council" shall mean the county council of Essex:

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The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers:

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines:

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected:

The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as herein-after defined:

The expression "tramway" shall mean any tramway laid along any street:

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof:

The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively:

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade:

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet with such detail plan and sections as may be necessary.

Commencement of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Address and Description of the Undertakers.

Address and description of Undertakers.

4. The Undertakers for the purposes of this Order are Crompton and Company Limited being a company registered under the Companies Acts 1862 to 1890 with limited liability and having its registered offices at Mansion House Buildings Queen Victoria Street in the City of London.

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order or of the principal Act such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this order in lieu of the company above mentioned.

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any licence Provisional Order or special Act unless the Undertakers are authorised by Parliament to do so.

If in contravention of this section the Undertakers purchase or acquire any such undertaking or associate themselves with such other company or person

the Board of Trade may if they think fit revoke this Order upon such terms as they may think just.

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Area of Supply.

Area of supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule which said area is more particularly delineated upon the deposited map and thereon coloured red.

Prohibition of supply beyond area of supply.

6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply otherwise than under the authority of Parliament or under a licence granted by the Board of Trade under the principal Act.

If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section the Board of Trade may revoke this Order on such terms as they may think just.

Accounts.

Audit of Undertakers' accounts.

7. The annual statement of accounts of the undertaking before being published as provided by section nine of the Electric Lighting Act 1882 shall so long as the local authority are not the Undertakers be examined and audited by such competent and impartial person as the Board of Trade shall appoint and the remuneration of the auditor shall be such as the Board of Trade shall direct and the same and all expenses incurred by him in or about the execution of his duties to such an amount as the Board of Trade shall approve shall be paid by the Undertakers on demand and shall be recoverable summarily as a civil debt.

The Undertakers shall give to the auditor his clerks and assistants access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit and shall when required furnish to him and them all vouchers and information requisite for such purpose and shall afford to him and them all facilities for the proper execution of his and their duty.

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted or otherwise for the purpose of giving effect to the provisions of this section.

Any report made by the auditor or such portion thereof as the Board of Trade shall direct shall be appended to the annual statement of accounts and shall form part thereof for the purposes of the said section nine.

Nature and Mode of Supply.

Systems and mode of supply.

8. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act provided as follows:—

(1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such

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regulations and conditions for securing the safety of the public and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

(2.) The Undertakers shall not after the commencement of this Order without the express consent of the Board of Trade and the local authority place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purpose of supply and except for the purpose of strengthening or repairing or in substitution for any electric line already existing above ground; and

(3.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions if any of such approval.

Works.

Powers for execution of works.

9. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Second Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land dedicated to public use Provided however as respects any such railway that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway except such streets railways or tramways (if any) or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section thirteen of the Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been specified in the said schedule.

Street boxes.

10. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy including apparatus for the proper ventilation of such boxes Provided that no such box or apparatus shall be placed above ground except with the consent of the authority body or person by whom such street is repairable.

Every such box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise

order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works or for other like purposes connected with the undertaking and the Undertakers may place therein meters switches and any other suitable and proper apparatus for any of the above purposes.

Every such box including the upper surface or covering thereof shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise.

The local authority may with the approval of the Board of Trade prescribe the hours during which the Undertakers are to have access to such boxes and if the Undertakers during any hours not so prescribed remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority they shall be liable to a penalty not exceeding five pounds for every such offence and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the Court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Notice of works with plan to be served on the Postmaster-General and local authority.

11. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in under along or across any street or public bridge the following provisions shall have effect :—

(*a.*) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a notice upon the Postmaster-General and the local authority describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street or bridge or any sewer drain or tunnel therein or thereunder is to be interfered with and shall upon being required to do so by the Postmaster-General or the local authority give him or them any such further information in relation thereto as he or they may desire In calculating the above-mentioned period of one month no part of the month of August shall be included.

(*b.*) The Postmaster-General or the local authority may in his or their discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Undertakers.

(*c.*) Where the Postmaster-General or the local authority approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapprove of any such works or plan the

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Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same.

(*d.*) If the Postmaster-General or the local authority fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them he or they shall be deemed to have approved such works and plan.

(*e.*) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General and the local authority or by the Board of Trade as above-mentioned but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and the principal Act.

(*f.*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority for any loss or damage which he or they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Where in any case a street or public bridge is repairable by the county council this section shall be read and construed as if "county council" were substituted for "local authority" wherever that expression occurs.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers' works or their supply of energy.

As to streets not repairable by local authority railways tramways and canals.

12. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under along or across any street or part of a street not repairable by the local authority or county council or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested:—

(*a.*) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which

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the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under this Order or the principal Act serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal (as the case may be) in this section referred to as the "owners" describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

(*b.*) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof.

(*c.*) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(*d.*) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible.

(*e.*) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.

(*f.*) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works.

(*g.*) Where the repair renewal or amendment of any existing works of which the character or position is not altered will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than

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twenty-four hours' notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

(*h.*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Street authority &c. may give notice of desire to break up streets &c. on behalf of Undertakers.

13. Any body or person for the time being liable to repair any street or part of a street or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order may if they think fit serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served Where any such body or person as aforesaid (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested:—

(*a.*) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or neglected to comply with such requisition as hereinafter provided or in cases of emergency.

(*b.*) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act the Undertakers shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged.

(*c.*) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.

(*d.*) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.

(*e.*) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice.

(*f.*) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

(*g.*) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily.

(*h.*) The givers of the notice may if they think fit require the Undertakers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order If the Undertakers fail to give any such security within seven days after being required to do so or in case of difference after such difference has been determined by a court of summary jurisdiction they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges

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sewers drains tunnels or other works or railway or tramway as in this section mentioned.

As to alteration of pipes wires &c. under streets.

14. The Undertakers may alter the position of any pipes (not forming part of any sewer of the local authority) or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested:—

(*a.*) One month before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as "the operators" shall serve a notice upon the body or person for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as "the owners" describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

(*b.*) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(*c.*) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible.

(*d.*) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.

(*e.*) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as hereinafter provided.

(*f.*) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made.

(*g.*) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable.

(*h.*) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.

(*i.*) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily.

(*j.*) Any owners may if they think fit by any statement served by them under this section upon any operators not being a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order and where any operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given.

(*k.*) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators

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Laying of electric lines &c. near sewers &c. or gas or water pipes or other electric lines.

complied with the requirements of this section so far as was reasonable under the circumstances.

15. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer drain watercourse defence or work under the jurisdiction or control of the local authority or any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as the "operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to the local authority or to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as the "owners" not less than three days' notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer drain watercourse defence pipe syphon electric line or work and for securing access thereto and they shall also if required to do so by the owners thereof repair any damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the position of any pipe electric line or work they shall temporarily support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade and the Undertakers shall not except with the consent of the gas electric supply or water company as the case may be and of the Board of Trade lay their electric lines so as to come into contact with any such mains pipes lines or services or except with the like consent employ any such mains pipes lines or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalty if the Court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the operators

were ignorant of the position of the sewer drain watercourse defence pipe electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "water company" shall mean any body or person lawfully supplying water or water power and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act but not under this Order.

For protection of railway and canal companies.

16. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways tunnels arches works or conveniences belonging to any railway or canal company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection of telegraphic and telephonic wires.

17.—(1.) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to affect whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed laid down or placed their electric lines or other works or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby such question shall be determined by arbitration and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in or additions to their system so as to comply with the provisions of this section and the Undertakers shall make such alterations or additions accordingly.

(2.) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Undertakers shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose of

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preventing such injurious affection and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

(3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

Mains to be laid down in streets in area of supply

18.—(1.) The Undertakers shall at any time after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street within the area of supply upon being required to do so in manner by this Order provided.

(2.) All such mains as above-mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Second Schedule the Undertakers shall (unless the authority or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section thirteen of the Electric Lighting Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

As to laying of electric line under special agreement.

19. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer and not for the purposes of general supply the Undertakers shall serve upon the local authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid a notice stating that the Undertakers intend to lay such electric line and setting forth the effect of this section and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order that a supply shall be given to their premises the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

If Undertakers fail to lay down mains &c. Order may be revoked.

20. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may after considering any representations of the local authority either revoke this Order as to the whole or any part of the area of supply or if the Undertakers so desire suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order Provided that the Board of Trade shall not revoke this Order as to part of the area of supply where the Undertakers make a representation that they desire to be relieved of their liabilities as respects the rest of the area of supply and in such case the Board of Trade shall not under this section revoke this Order otherwise than as to the whole of the area of supply.

Manner in which requisition is to be made.

21. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street or where the local authority has the control and management of the public lamps in such street or part of a street by the local authority.

Every such requisition shall be signed by the persons making the same or by the local authority (as the case may be) and shall be served upon the Undertakers.

Forms of requisition shall be kept by the Undertakers at their office and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same and any requisition so supplied shall be deemed valid in point of form.

Provisions on requisition by owners or occupiers.

22. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom the requisition is signed stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or

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will guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected or in case of difference the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade who after such inquiry if any as they shall think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years and to specify such sum or per-centage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly.

In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement such difference shall subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid be determined by arbitration.

Provisions on requisition by local authority.

23. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected or within fourteen days thereafter there be tendered to the Undertakers (if required by them) an agreement executed by the local authority and binding them to take for a period of three years at the least a supply of energy for lighting such

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public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

Overhead wires to be laid underground.

24. The Board of Trade may from time to time by order require the Undertakers to lay underground the mains heretofore erected above ground in the streets mentioned in the third schedule or any of them and if the Undertakers fail within two months after the service of any such order or within three years from the commencement of this Order whichever period shall last expire to lay such mains underground they shall be liable to the same penalties as are provided in this Order in the case of failure to lay down distributing mains.

Supply.

Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.

25. The Undertakers shall upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order subject to the conditions following (that is to say):—

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property shall if the Undertakers so require be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary customers within the area of supply shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply and give to the Undertakers (if required by them so to do)

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security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them.

Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues.

Provided also that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may if they think fit discontinue to supply energy to such premises so long as such user continues.

Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines fittings or apparatus such difference shall be determined by arbitration.

Maximum power.

26. The maximum power with which any consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption on his premises Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter the maximum except upon one month's notice to the Undertakers and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration shall be paid by him to the Undertakers and may be recovered summarily as a civil debt.

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration.

Supply of energy to public lamps.

27. The Undertakers upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the

distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

Penalty for failure to supply.

28. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp and for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

Price.

Methods of charging.

29. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

(1.) By the actual amount of energy so supplied; or

(2.) By the electrical quantity contained in such supply; or

(3.) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method.

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall give notice to the local authority by what method they propose to charge for energy

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supplied through such main and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the local authority and to every consumer of energy who is supplied by them from such main.

Maximum prices.

30. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively or in the case of a method of charge approved by the Board of Trade such price as the Board of Trade shall on approving such method determine.

Provided that if the local authority or the Undertakers shall at any time after the expiration of seven years after the commencement of this Order make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered the Board of Trade after such inquiry as they may think fit may make an order varying the prices or methods of charge stated in the said schedule or so approved as aforesaid or substituting other prices or methods of charge in lieu thereof and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order as if they had been stated in the said schedule Provided also that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

Other charges by agreement.

31. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge accordingly.

Price to public lamps.

32. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps and the mode in which such charges shall be ascertained shall be settled by agreement between the local authority and the Undertakers and in case of difference by arbitration regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose and the prices charged to ordinary consumers in the district.

Electric Inspectors.

Appointment of electric inspectors.

33. The local authority so long as they are not themselves the Undertakers for the purposes of this Order may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

If no electric inspector is appointed by the local authority or if the inspection of electric lines and works is imperfectly attended to by the local authority or if the local authority themselves become the Undertakers for the

purposes of this Order the Board of Trade on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order. A.D. 1894. *Chelmsford.*

The duties of an electric inspector under this Order shall be as follows :—

(*a*) The inspection and testing periodically and in special cases of the Undertakers' electric lines and works and the supply of energy given by them ;

(*b*) The certifying and examination of meters ; and

(*c*) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The local authority with the approval of the Board of Trade or the Board of Trade if the inspector is appointed by them may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector and also the fees to be taken by him and such fees shall be accounted for and applied as may be directed by the local authority or the Board of Trade as the case may be.

Remuneration of electric inspectors.

34. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine and such remuneration may be in addition to or in substitution for any fees directed to be paid to electric inspectors in respect of their duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act according as the local authority shall determine.

Inquiry by Board of Trade and reports of accidents.

35. The Board of Trade may also if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order so far as such provisions affect the safety of the public have been complied with by the Undertakers and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

The Undertakers shall send to the Board of Trade notice of any accident by explosion or fire and also of any other accident of such kind as to have caused or to be likely to have caused loss of life or personal injury which may occur in any part of the Undertakers' works or their circuits or in connexion with the same and also notice of any loss of life or personal injury (if any) occasioned by any such accident.

Such notice shall be sent by the earliest practicable post after the accident occurs or (as the case may be) after the loss of life or personal injury becomes known to the Undertakers.

If the Undertakers fail to comply with the provisions of this section they shall be liable for each offence to a penalty not exceeding twenty pounds.

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Testing and Inspection.

Testing of mains.

36. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of works and supply on consumer's premises.

37. An electric inspector if and when required to do so by any consumer shall on payment by the consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Undertakers to establish testing stations.

38. The Undertakers shall at such places within a reasonable distance from a distributing main establish at their own cost and keep in proper condition such reasonable number of testing stations as the local authority or where the local authority are the Undertakers as the Board of Trade shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade and shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing.

If any dispute arises between the local authority and the Undertakers as to whether the number of such testing stations and the distance from the mains at which they are established is reasonable or excessive or as to any excessive or improper use of energy for such testing or as to the performance by the Undertakers of their duties under this section such dispute shall be determined by arbitration.

Undertakers to keep instruments on their premises.

39. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take and record and keep recorded such observations as the Board of Trade may prescribe and any observations so recorded shall be received in evidence.

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40. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place set up or keep at any testing station or on their own premises and any electric inspector appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed and any readings so recorded shall be receivable in evidence.

Readings of instruments to be taken.

41. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers and ascertaining if the same are in order and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

Electric inspector may test Undertakers' instruments.

42. The Undertakers may if they think fit on each occasion of the testing of any main or service line or the testing or inspection of any instruments of the Undertakers by any electric inspector be represented by some officer or other agent but such officer or agent shall not interfere with the testing or inspection.

Representation of Undertakers at testings.

43. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or under this Order in that behalf and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

Undertakers to give facilities for testing.

44. Every electric inspector shall on the day immediately following that on which any testing has been completed by him under this Order make and deliver a report of the results of his testing to the authority or person by whom he was required to make such testing and to the Undertakers and such report shall be receivable in evidence.

Report of results of testing.

If the Undertakers or any such authority or person are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal and their decision shall be final and binding on all parties.

45. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade and shall be paid by the Undertakers.

Expenses of electric inspector.

Provided that where the report of an electric inspector or the decision of the Board of Trade shows that any consumer was guilty of any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the court or the Board

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having regard to such report or decision shall direct and may be recovered summarily as a civil debt.

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

Meters.

Meters to be used except by agreement.

46. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meter to be certified.

47. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter". Provided that where any alteration is made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Inspector to certify meters.

48. Every electric inspector on being required to do so by the Undertakers or by any consumer and on payment of the prescribed fee by the party so requiring him shall examine any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified.

Undertakers to supply meters if required to do so.

49. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter and shall if required so to do fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable times and execute all necessary works and do all necessary acts Provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as hereinafter provided.

Meters not to be connected or disconnected without notice.

50. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers or disconnect any such meter

from any such electric line unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Consumer to keep his meter in proper order.

51. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value and in default of his so doing the Undertakers may cease to supply energy through such meter.

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary shall if the meter be found to be not in proper order be paid by the consumer but if the same be in proper order all expenses connected therewith shall be paid by the Undertakers.

Power to the Undertakers to let meters.

52. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such remuneration in money and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers to keep meter let for hire in repair.

53. The Undertakers shall unless the agreement for hire otherwise provides at all times at their own expense keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for correctly registering such value and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all reasonable times Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

Differences as to correctness of meter to be settled by inspector.

54. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers) is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be determined upon the application of either party by an electric inspector or where the local authority are the consumers by an inspector to be appointed by the Board of Trade who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

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Undertakers to pay expenses of providing new meters where method of charge altered.

55. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

Undertakers may place meters to measure supply or to check measurement thereof.

56. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply Provided that such meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Board of Trade and shall be supplied and maintained entirely at the cost of the Undertakers and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Maps.

Map of area of supply to be made and deposited.

57. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains service lines and other underground works and street boxes and shall once in every year cause such map to be duly corrected so as to show the then existing lines The Undertakers shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground works other than service lines The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Undertakers at their principal office within the area of supply and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

The Undertakers shall if so required by the Board of Trade or the Postmaster-General or the local authority supply to them or him a copy of any such map or section and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Purchase and Transfer of the Undertaking.

Purchase of undertaking after 21 years.

58. Notwithstanding and without prejudice to the provisions of the second section of the Electric Lighting Act 1888 the local authority may within six months after the expiration of a period of twenty-one years from the commencement of this Order by notice in writing require the Undertakers to sell and thereupon the Undertakers shall sell to the local authority the undertaking authorised by this Order with all lands buildings works materials and plant used in connection therewith Provided always that in the event of a sale and purchase under the provisions of this section the purchase-money to be paid shall be ascertained not in the manner nor under the conditions prescribed by the second section of the Electric Lighting Act 1888 but upon the basis of the undertaking being taken over as a going concern and as between a willing seller and a willing buyer and shall in case of difference be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

Purchase of undertaking after 31 years.

59. Notwithstanding and without prejudice to the provisions of the second section of the Electric Lighting Act 1888 the local authority may within six months after the expiration of a period of thirty-one years from the commencement of this Order by notice in writing require the Undertakers to sell and thereupon the Undertakers shall sell to the local authority the undertaking authorised by this Order with all lands buildings works materials and plant used in connection therewith Provided always that in the event of a sale and purchase under the provisions of this section the purchase-money to be paid shall be ascertained not in the manner nor under the conditions prescribed by the second section of the Electric Lighting Act 1888 but upon the basis of the undertaking being taken over as a going concern with the goodwill thereof but without any additional allowance for compulsory purchase and shall in case of difference be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

Application of moneys received by local authority as Undertakers.

60. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

(A.) All moneys received by the Undertakers in respect of the undertaking except (*a*) borrowed money (*b*) money arising from the disposal of lands acquired for the purposes of this Order and (*c*) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:—

(1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers their officers or servants in relation to the undertaking,

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(2.) In payment of the interest or dividend on any mortgages stock or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes;

(3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes;

(4.) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital;

(5.) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the Undertakers and accumulating the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or any part thereof to the improvement of the district for which they are the local authority or in reduction of the capital moneys borrowed for electricity purposes.

Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

(1.) In the reduction of the capital moneys borrowed by them for electricity purposes;

(2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

61. If the local authority become the Undertakers for the purposes of this Order the following provision shall have effect:—

Purchase and use of lands.

Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

Provided also that the Undertakers shall not purchase or acquire for the purposes of this Order ten or more houses which on the fifteenth day of December last before the transfer of the undertaking to the local authority were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Incorporation of s. 265 of Public Health Act 1875.

62. If the local authority become the Undertakers for the purposes of this Order section two hundred and sixty-five of the Public Health Act 1875 shall be incorporated with this Order and in the construction of that section "this Act" shall mean this Order and the principal Act and the "local authority" shall mean the local authority as such Undertakers.

Notices &c.

Notices &c. may be printed or written.

63. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the local authority the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication.

Service of notices &c.

64. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively:—

(*a.*) In the case of the Board of Trade the office of the Board of Trade;

(*b.*) In the case of the Postmaster-General the General Post Office;

(*c.*) In the case of any county council the office of such council;

(*d.*) In the case of any local authority the office of such local authority;

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(*e.*) In the case of the Undertakers or any other company having a registered office the registered office of the Undertakers or such company;

(*f.*) In the case of a company having an office or offices but no registered office the principal office of that company;

(*g.*) In the case of any other person the usual or last known place of abode of such person.

A notice order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing it on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be reckoned in the computation of such time (that is to say) Sunday Christmas Day Good Friday any bank holiday under and within the meaning of the Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving.

Revocation of Order.

Revocation of Order where Undertakers are insolvent.

65. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order and that such default is in consequence of the insolvency of the Undertakers and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order the Board of Trade may after such inquiry as they may think necessary and after considering any representations of the local authority revoke this Order as to the whole or with the consent of the Undertakers as to any part of the area of supply.

Revocation of Order where undertaking cannot be carried on with profit.

66. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit and ought to be abandoned the Board of Trade shall inquire into the truth of such representation and if upon such inquiry they are satisfied of the truth of such representation they may if in their discretion they think fit revoke this Order as to the whole or (with the consent of the Undertakers and of the local authority) as to any part of the area of supply.

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Revocation of Order with consent.

67. In addition to any other powers which the Board of Trade may have in that behalf they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority upon such terms as the Board of Trade may think just.

Provisions where Order revoked.

68. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply under any of the provisions of this Order the following provisions shall have effect:—

(*a.*) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority and shall in such notice fix a date at which such revocation shall take effect and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area or part thereof as aforesaid shall absolutely cease and determine.

(*b.*) Within two months after the service of such notice by the Board of Trade upon the local authority the local authority if they think fit may by notice in writing require the Undertakers to sell and thereupon the Undertakers shall sell to them so much of the undertaking authorised by this Order or such part thereof as aforesaid as is within the district of the local authority upon terms of paying the then value of all land buildings works materials and plant of the Undertakers suitable to and used by them for the purposes of the undertaking so authorised or such part thereof as aforesaid such value being agreed or estimated in manner directed by the Electric Lighting Act 1888 in the case of purchases effected by the local authority under section two of that Act.

(*c.*) Where any purchase is so effected the undertaking or part thereof so purchased shall vest in the local authority freed from any debts mortgages or similar obligations of the Undertakers or attaching to the undertaking and the revocation of this Order as to the whole of the area of supply or such part thereof as aforesaid shall extend only to the revocation of the rights powers authorities duties and obligations of the Undertakers from whom the undertaking or such part thereof as aforesaid is purchased in relation to the supply of energy within such area or part thereof and save as aforesaid this Order shall remain in full force within such area or part thereof in favour of the local authority by whom such undertaking or part thereof is purchased as aforesaid.

(*d.*) Where no purchase has been effected under the preceding provisions of this section the local authority and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed may (subject however to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care and the Undertakers shall pay to the local authority or other such body or person as aforesaid such reasonable costs of such removal and of the reinstatement

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of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person or (if so required by the Undertakers within one week after the service of such notice upon them) as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice or the delivery of the award of the arbitrator (as the case may be) the local authority or other such body or person as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any such works as aforesaid either by public auction or private sale and for such sum or sums and to such person or persons as they may think fit and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

(*e.*) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area or part thereof as aforesaid or the exercise of any powers by this Order granted to the Undertakers or for any expenses to which such local authority body or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof and which may not have been repaid or released to the Undertakers and such money shall be applied rateably in satisfying such claims and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid shall be determined by arbitration.

Transfer of Order.

Transfer of powers.

69. It shall be lawful for the Undertakers with the consent of the Board of Trade and of the local authority to transfer their rights and obligations under this Order to the Chelmsford Electric Lighting Company Limited and upon such transfer being duly made by deed executed by the Undertakers and by the transferees the rights and obligations created or imposed by this Order in favour of or upon the Undertakers shall thenceforth vest in and be imposed on the transferees under such deed who shall thenceforth be the Undertakers under this Order for all purposes whatsoever in place of the Undertakers named in the fourth section of this Order.

General.

Remedying of system and works.

70. If at any time it is represented to the Board of Trade (*a*) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or (without such consent or

approval as is required by this Order) have permitted any part of their circuits to be connected with earth or placed any electric line above ground or (*b*) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order or (*c*) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may by order specify the matter complained of and require the Undertakers to abate or discontinue the same within such period as may be therein limited in that behalf and if the Undertakers make default in complying with such order they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

In any case of noncompliance with an order under this section whether a pecuniary penalty has been recovered or not the Board of Trade if in their opinion the public interest so requires may revoke this Order on such terms as they may think just.

Publication of regulations.

71. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and a true copy thereof certified by or on behalf of the Undertakers shall be forthwith served upon the local authority and like copies shall also be kept by the Undertakers a their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

Nature and amount of security.

72. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed upon between the parties or as in default of agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties Provided that where any such security is given by way of deposit the party to whom such security is given shall pay

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interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings of Board of Trade.

73. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or assistant secretary of the Board.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or assistant secretary of the Board or by any person authorised in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the order or act so certified.

Approval or consent of Board of Trade.

74. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit.

All costs and expenses of or incident to any approval consent certificate or order of the Board of Trade or of any inspector or person appointed by the Board of Trade including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by the applicant or applicants therefor Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may as they think fit revoke any approval so given or permit such approval to be continued subject to such modifications as they may think necessary.

Notice of approval of Board of Trade &c. to be given by advertisement.

75. Where the Board of Trade upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or where the Board of Trade upon the application of the local authority or the Undertakers revoke this Order as to the whole or any part of the area of supply notice that such approval has been given or such extension of time granted or such revocation made shall if the Board of Trade so direct be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

Notice of application for extension of time &c. to be given to local authority.

76. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers notice of such application shall be served on the local authority by the Undertakers and an opportunity shall be given to the local authority to make representations or objections with reference thereto.

77. All penalties fees expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Recovery and application of penalties.

Any penalty recovered on prosecution by an officer of the local authority shall if there is an electric inspector for the time being appointed by the local authority be paid to such officer and by him to the local authority and shall be applied in aid of the local rate.

Any penalty recovered on prosecution by any other body or person or any part thereof may if the court shall so direct be paid to such body or person.

Undertakers to be responsible for all damages.

78. The Undertakers shall be answerable for all accidents damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works and shall save harmless all authorities bodies and persons by whom any street is repairable and all other authorities companies and bodies collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries.

As to mortgages.

79. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking or any part thereof under section two of the Electric Lighting Act 1888 or under this Order and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being sold or transferred as aforesaid and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

Saving clause for Postmaster-General.

80. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts 1863 to 1892 and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Undertakers not exempted from proceedings for nuisance.

81. Nothing in this Order shall exonerate the Undertakers from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Provision as to general Acts.

82. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Order.

Revocation Licence.

83. The Chelmsford Electric Lighting Licence 1890 is hereby revoked as from the commencement of this Order but without prejudice to anything done or suffered before such commencement.

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SCHEDULES.

FIRST SCHEDULE.

Area of supply :—

The Borough of Chelmsford in the County of Essex as the same is constituted at the commencement of this Order.

SECOND SCHEDULE.

List of streets not repairable by the local authority railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order :—

(*a.*) *Streets.*

None.

(*b.*) *Railways*

None.

(*c.*) *Tramways.*

None.

THIRD SCHEDULE.

List of streets in which the Undertakers are to lay mains underground on being required by the Board of Trade :—

High Street (south of the river).

Moulsham Street (from High Street to Upper Anchor Street).

Upper Anchor Street.

FOURTH SCHEDULE.

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In this schedule—

The expression "unit" shall mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour.

Section 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter:—For any amount up to twenty units ten shillings and tenpence and for each unit over twenty units sixpence halfpenny with a discount for payment within one month of date of account of one halfpenny per unit.

Section 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section one of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

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GUILDFORD ELECTRIC LIGHTING.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 *and* 1888 *to the Holloway Electricity Supply Company Limited in respect of the Borough of Guildford.*

Preliminary.

Short title.

1. This Order may be cited as the Guildford Electric Lighting Order 1894.

Interpretation.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts 1882 and 1888 and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act" and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings provided that in this Order—

The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882:

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied:

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply:

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers:

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply:

The expression "general supply" shall mean the general supply of energy to ordinary consumers and unless otherwise specially agreed with the local authority to the public lamps but shall not include the supply of energy to any one or more particular consumers under special agreement:

The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order:

The expression "county council" shall mean the county council of Surrey.

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers:

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines:

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected:

The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as herein-after defined:

The expression "tramway" shall mean any tramway laid along any street:

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof:

The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively:

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade:

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet or to such other scales as the Board of Trade may approve together with such detail plan and sections as may be necessary.

Commencement of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Address and Description of the Undertakers.

Address and description of Undertakers.

4. The Undertakers for the purposes of this Order are the Holloway Electricity Supply Company Limited being a company registered under the Companies Acts 1862 to 1890 with limited liability and having its registered offices at 34 Victoria Street Westminster.

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order or of the principal Act such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned.

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or persons supplying energy under any licence provisional order or special Act unless the Undertakers are authorised by Parliament to do so.

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If in contravention of this section the Undertakers purchase or acquire any such undertaking or associate themselves with such other company or person the Board of Trade may if they think fit revoke this Order upon such terms as they may think just.

Area of Supply.

Area of supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule which said area is more particularly delineated upon the deposited map and thereon coloured red.

Prohibition of supply beyond area of supply.

6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply otherwise than under the authority of Parliament or under a licence granted by the Board of Trade under the principal Act.

If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

Security for execution of works.

7. The Undertakers within a period of six months after the commencement of this Order and before exercising any of the powers by this Order conferred on them in relation to the execution of works shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply.

The Undertakers shall also within six months after the commencement of this Order or such extended period as may be approved by the Board of Trade and before exercising any of the powers conferred on them in relation to the execution of works deposit or secure to the satisfaction of the Board of Trade a sum of five hundred pounds.

If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade that they are in such a position as above mentioned or fail to deposit or secure such sum as aforesaid the Board of Trade may after considering any representations which the local authority may make revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply upon such terms as they may think just.

The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties when and so soon as it may be certified by an inspector to be appointed by the Board of Trade that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street or part of a street specified in that behalf in the Second Schedule or at such earlier dates and by such instalments as may be approved by the Board of Trade.

Audit of Undertakers' Accounts.

8. The annual statement of accounts of the undertaking before being published as provided by section nine of the Electric Lighting Act 1882 shall so long as the local authority are not the Undertakers be examined and audited by such competent and impartial person as the Board of Trade shall appoint and the remuneration of the auditor shall be such as the Board of Trade shall direct and the same and all expenses incurred by him in or about the execution of his duties to such an amount as the Board of Trade shall approve shall be paid by the Undertakers on demand and shall be recoverable summarily as a civil debt.

The Undertakers shall give to the auditor his clerks and assistants access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit and shall when required furnish to him and them all vouchers and information requisite for such purpose and shall afford to him and them all facilities for the proper execution of his and their duty.

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted or otherwise for the purpose of giving effect to the provisions of this section.

Any report made by the auditor or such portion thereof as the Board of Trade shall direct shall be appended to the annual statement of accounts and shall form part thereof for the purposes of the said section nine.

Nature and Mode of Supply.

Systems and mode of supply.

9. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act provided as follows:—

(1) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public and for ensuring a proper and sufficient supply of energy as the Board of Trade may impose; and

(2) The Undertakers shall not without the express consent of the Board of Trade and the local authority place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purpose of supply; and

(3) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions (if any) of such approval.

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Powers for execution of works.

10. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land dedicated to public use Provided however as respects any such railway that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway except such streets railways or tramways (if any) or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section thirteen of the Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been specified in the said schedule.

Street boxes.

11. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy including apparatus for the proper ventilation of such boxes Provided that no such box or apparatus shall be placed above ground except with the consent of the authority body or person by whom such street is repairable.

Every such box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works or for other like purposes connected with the undertaking and the Undertakers may place therein meters switches and any other suitable and proper apparatus for any of the above purposes.

Every such box including the upper surface or covering thereof shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise.

The local authority may with the approval of the Board of Trade prescribe the hours during which the Undertakers are to have access to such boxes and if the Undertakers during any hours not so prescribed remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority they shall be liable to a penalty not exceeding five pounds for every such offence and to a daily penalty not exceeding five

pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the Court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Notice of works with plan to be served on the Postmaster-General and the local authority.

12. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in under along or across any street or public bridge the following provisions shall have effect:—

(*a*) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a notice upon the Postmaster-General and the local authority describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street or bridge or any sewer drain or tunnel therein or thereunder is to be interfered with and shall upon being required to do so by the Postmaster-General or the local authority give him or them any such further information in relation thereto as he or they may desire In calculating the above-mentioned period of one month no part of the month of August shall be included.

(*b*) The Postmaster-General or the local authority may in his or their discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Undertakers.

(*c*) Where the Postmaster-General or the local authority approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapprove of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same.

(*d*) If the Postmaster-General or the local authority fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them he or they shall be deemed to have approved such works and plan.

(*e*) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General and the local authority or by the Board of Trade as above-mentioned but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and the principal Act.

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(*f*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority for any loss or damage which he or they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Where in any case a street or public bridge is repairable by the county council this section shall be read and construed as if "county council" were substituted for "local authority" wherever that expression occurs.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers' works or their supply of energy.

As to streets not repairable by the local authority railways tramways and canals.

13. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under along or across any street or part of a street not repairable by the local authority or county council or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested :—

(*a*) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under this Order or the principal Act serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal (as the case may be) in this section referred to as the "owners" describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

(*b*) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof.

(*c*) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(*d*) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible.

(*e*) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.

(*f*) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works.

(*g*) Where the repair renewal or amendment of any existing works of which the character or position is not altered will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than twenty-four hours' notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

(*h*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Street authority &c. may give notice of desire to

14. Any body or person for the time being liable to repair any street or part of a street or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order may

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break up streets &c. on behalf of Undertakers.

if they think fit serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served Where any such body or person (in this section referred to as the "givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested:—

(*a*) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or neglected to comply with such requisition as herein-after provided or in case of emergency.

(*b*) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act the Undertakers shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged.

(*c*) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.

(*d*) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.

(*e*) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice.

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(*f*) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

(*g*) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily.

(*h*) The givers of the notice may if they think fit require the Undertakers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order If the Undertakers fail to give any such security within seven days after being required to do so or in case of difference after such difference has been determined by a court of summary jurisdiction they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains tunnels or other works or railway or tramway as in this section mentioned.

As to alteration of pipes wires &c. under streets.

15. The Undertakers may alter the position of any pipes (not forming part of any sewer of the local authority) or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested:—

(*a*) One month before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as the "operators" shall serve a notice upon the body or person for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as the "owners" describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

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(*b*) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(*c*) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible.

(*d*) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.

(*e*) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after provided.

(*f*) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made.

(*g*) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable.

(*h*) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with

such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.

(*i*) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily.

(*j*) Any owners may if they think fit by any statement served by them under this section upon any operators not being a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order and where any operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given.

(*k*) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

Laying of electric lines &c. near sewers &c. or gas or water pipes or other electric lines.

16. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer drain watercourse defence or work under the jurisdiction or control of the local authority or any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as the "operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to the local authority or to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as the "owners" not less than three days' notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer drain watercourse defence pipe syphon electric line or work and for securing access thereto and they shall also if required to do so by the owners thereof repair any damage that may be done thereto.

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Where the operators find it necessary to undermine but not alter the position of any pipe electric line or work they shall temporarily support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade and the Undertakers shall not except with the consent of the gas electric supply or water company as the case may be and of the Board of Trade lay their electric lines so as to come into contact with any such mains pipes lines or services or except with the like consent employ any such mains pipes lines or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the operators were ignorant of the position of the sewer drain watercourse defence pipe electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "water company" shall mean any body or person lawfully supplying water or water power and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act but not under this Order.

For protection of railway and canal companies.

17. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways tunnels arches works or conveniences belonging to any railway or canal company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection of telegraphic and telephonic wires.

18.—(1.) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to affect whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time of the laying down or placing of such electric

lines or other works If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed laid down or placed their electric lines or other works or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby such question shall be determined by arbitration and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in or additions to their system so as to comply with the provisions of this section and the Undertakers shall make such alterations or additions accordingly.

(2.) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Undertakers shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose of preventing such injurious affection and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

(3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact

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that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

Mains &c. to be laid down in streets specified in Second Schedule and in remainder of area of supply.

19.—(1.) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule and shall thereafter maintain the same.

(2.) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply thoughout every other street or part of a street within the area of supply upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule the Undertakers shall (unless the authority or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section thirteen of the Electric Lighting Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

As to laying of electric line under special agreement.

20. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer and not for the purposes of general supply the Undertakers shall serve upon the local authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid a notice stating that the Undertakers intend to lay such electric line and setting forth the effect of this section and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order that a supply shall be given to their premises the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

If Undertakers fail to lay down mains &c.

21. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed

in that behalf respectively they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may after considering any representations of the local authority either revoke this Order as to the whole or any part of the area of supply or if the Undertakers so desire suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order Provided that the Board of Trade shall not revoke this Order as to part of the area of supply where the Undertakers make a representation that they desire to be relieved of their liabilities as respects the rest of the area of supply and in such case the Board of Trade shall not under this section revoke this Order otherwise than as to the whole of the area of supply.

Order may be revoked.

22. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street or where the local authority has the control and management of the public lamps in such street or part of a street by the local authority.

Manner in which requisition is to be made.

Every such requisition shall be signed by the persons making the same or by the local authority (as the case may be) and shall be served upon the Undertakers.

Forms of requisition shall be kept by the Undertakers at their office and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same and any requisition so supplied shall be deemed valid in point of form.

23. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom the requisition is signed stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply

Provisions by requisition on owners or occupiers.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the

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persons signing the requisition has been effected or in case of difference the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade who after such inquiry if any as they shall think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years and to specify such sum or percentage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly.

In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement such difference shall subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid be determined by arbitration.

Provisions on requisition by local authority.

24. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected or within fourteen days thereafter there be tendered to the Undertakers (if required by them) an agreement executed by the local authority and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

Supply.

Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.

25. The Undertakers shall upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid and they

shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order subject to the conditions following (that is to say) :—

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property shall if the Undertakers so require be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them.

Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues.

Provided also that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may if they think fit discontinue to supply energy to such premises so long as such user continues.

Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not

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calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines fittings or apparatus such difference shall be determined by arbitration.

Maximum power.

26. The maximum power with which any consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption on his premises Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration shall be paid by him to the Undertakers and may be recovered summarily as a civil debt.

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration.

Supply of energy to public lamps.

27. The Undertakers upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

Penalty for failure to supply.

28. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp and for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds

in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

Price.

Methods of charging.

29. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

(1) By the actual amount of energy so supplied; or

(2) By the electrical quantity contained in such supply; or

(3) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method.

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall give notice to the local authority by what method they propose to charge for energy supplied through such main and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the local authority and to every consumer of energy who is supplied by them from such main.

Maximum prices.

30. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively or in the case of a method of charge approved by the Board of Trade such price as the Board of Trade shall on approving such method determine.

Provided that if the local authority or the Undertakers shall at any time after the expiration of seven years after the commencement of this Order make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered the Board of Trade after such inquiry as they may think fit may make an order varying the prices or methods of charge stated in the said schedule or so approved as aforesaid or substituting other prices or methods of charge in lieu thereof and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order as if they had been stated in the said schedule Provided also that the prices and methods of charge for the time being in force may be altered in like manner at any time

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after the expiration of any or every period of seven years after the same were last altered.

Other charges by agreement.

31. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge accordingly.

Price to public lamps.

32. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps and the mode in which such charges shall be ascertained shall be settled by agreement between the local authority and the Undertakers and in case of difference by arbitration regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose and the prices charged to ordinary consumers in the district.

Electric Inspectors.

Appointment of electric inspectors.

33. The local authority so long as they are not themselves the Undertakers for the purposes of this Order may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

If no electric inspector is appointed by the local authority or if the inspection of electric lines and works is imperfectly attended to by the local authority or if the local authority themselves become the Undertakers for the purposes of this Order the Board of Trade on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows:—

(*a*) The inspection and testing periodically and in special cases of the Undertakers' electric lines and works and the supply of energy given by them;

(*b*) The certifying and examination of meters; and

(*c*) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The local authority with the approval of the Board of Trade or the Board of Trade if the inspector is appointed by them may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector and also the fees to be taken by him and such fees shall be accounted for and applied as may be directed by the local authority or the Board of Trade as the case may be.

Remuneration of electric inspectors.

34. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine and such remuneration may be in addition to or in substitution for any fees directed to be paid to electric inspectors in respect of their duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act according as the local authority shall determine.

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Inquiry by Board of Trade and reports of accidents.

35. The Board of Trade may also if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order so far as such provisions affect the safety of the public have been complied with by the Undertakers and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

The Undertakers shall send to the Board of Trade notice of any accident by explosion or fire and also of any other accident of such kind as to have caused or to be likely to have caused loss of life or personal injury which may occur in any part of the Undertakers' works or their circuits or in connexion with the same and also notice of any loss of life or personal injury (if any) occasioned by any such accident.

Such notice shall be sent by the earliest practicable post after the accident occurs or as the case may be after the loss of life or personal injury becomes known to the Undertakers.

If the Undertakers fail to comply with the provisions of this section they shall be liable for each offence to a penalty not exceeding twenty pounds.

Testing and Inspection.

Testing of mains.

36. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing o works and supply on consumer's premises.

37. An electric inspector if and when required to do so by any consumer shall on payment by the consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy.

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Undertakers to establish testing stations.

38. The Undertakers shall at such places within a reasonable distance from a distributing main establish at their own cost and keep in proper condition such reasonable number of testing stations as the local authority or where the local authority are the Undertakers as the Board of Trade shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade and shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing.

If any dispute arises between the local authority and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive or as to any excessive or improper use of energy for such testing or as to the performance by the Undertakers of their duties under this section such dispute shall be determined by arbitration.

Undertakers to keep instruments on their premises.

39. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take and record and keep recorded such observations as the Board of Trade may prescribe and any observations so recorded shall be receivable in evidence.

Readings of instruments to be taken.

40. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place set up or keep at any testing station or on their own premises and any electric inspector appointed under this Order may examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed and any readings so recorded shall be receivable in evidence.

Electric inspector may test Undertakers' instruments.

41. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers and ascertaining if the same are in order and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

Representation of Undertakers at testings.

42. The Undertakers may if they think fit on each occasion of the testing of any main or service line or the testing or inspection of any instruments of the Undertakers by any electric inspector be represented by some officer or other agent but such officer or agent shall not interfere with the testing or inspection.

Undertakers to give facilities for testing.

43. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or under this Order in that behalf and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

44. Every electric inspector shall on the day immediately following that on which any testing has been completed by him under this Order make and deliver a report of the results of his testing to the authority or person by whom he was required to make such testing and to the Undertakers and such report shall be receivable in evidence.

Report of results of testing.

If the Undertakers or any such authority or person are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal and their decision shall be final and binding on all parties.

45. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade and shall be paid by the Undertakers.

Expenses of electric inspector.

Provided that where the report of an electric inspector or the decision of the Board of Trade shows that any consumer was guilty of any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the court or Board having regard to such report or decision shall direct and may be recovered summarily as a civil debt.

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

Meters.

46. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meters to be used except by agreement.

47. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter" Provided that where any alteration is made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Meter to be certified.

48. Every electric inspector on being required to do so by the Undertakers or by any consumer and on payment of the prescribed fee by the party so requiring him shall examine any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified.

Inspector to certify meters.

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Undertakers to supply meters if required to do so.

49. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter and shall if required so to do fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable times and execute all necessary works and do all necessary acts Provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.

Meters not to be connected or disconnected without notice.

50. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Consumer to keep his meter in proper order.

51. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value and in default of his so doing the Undertakers may cease to supply energy through such meter.

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary shall if the meter be found to be not in proper order be paid by the consumer but if the same be in proper order all expenses connected therewith shall be paid by the Undertakers.

Power to the Undertakers to let meters.

52. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such remuneration in money and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers to keep meters let for hire in repair.

53. The Undertakers shall unless the agreement for hire otherwise provides at all times at their own expense keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for correctly registering such value and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all

reasonable times Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

Differences as to correctness of meter to be settled by inspector.

54. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers) is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be determined upon the application of either party by an electric inspector or where the local authority are the consumers by an inspector to be appointed by the Board of Trade who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

Undertakers to pay expenses of providing new meters where method of charge altered.

55. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

Undertakers may place meter to measure supply or to check measurement thereof.

56. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply Provided that such meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Board of Trade and shall be supplied and maintained entirely at the cost of the Undertakers and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Maps.

Map of area of supply to be made.

57. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains service lines and other underground works and street boxes and shall once in every year cause such map to be duly corrected so as to show the then existing lines The Undertakers shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground

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works other than service lines The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Undertakers at their principal office within the area of supply and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof.

The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

The Undertakers shall if so required by the Board of Trade or the Postmaster-General or the local authority supply to them or him a copy of any such map or section and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Purchase and Transfer of the Undertaking.

Purchase by the local authority.

58. The option of purchasing the undertaking under the provisions of section two of the Electric Lighting Act 1888 may be exercised by the local authority within six months after the expiration of thirty-five years after the commencement of this Order but if the said option is not exercised under the foregoing provision the said section of the Electric Lighting Act 1888 shall apply as if this section had not been included in this Order.

Application of moneys received by local authority as Undertakers.

59. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

(A.) All moneys received by the Undertakers in respect of the undertaking except (*a*) borrowed money (*b*) money arising from the disposal of lands acquired for the purposes of this Order and (*c*) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:—

(1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers their officers or servants in relation to the undertaking.

(2.) In payment of the interest or dividend on any mortgages stock or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes.

(3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.

(4.) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital.

(5.) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the Undertakers and accumulating the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or any part thereof to the improvement of the district for which they are the local authority or in reduction of the capital moneys borrowed for electricity purposes.

Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows :—

(1.) In the reduction of the capital moneys borrowed by them for electricity purposes.

(2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

Purchase and use of lands.

60. If the local authority become the Undertakers for the purposes of this Order the following provision shall have effect :—

Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government

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Board and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

Provided also that the Undertakers shall not purchase or acquire for the purposes of this Order ten or more houses which on the fifteenth day of December last before the transfer of the undertaking to the local authority were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Incorporation of s. 265 of Public Health Act 1875.

61. If the local authority become the Undertakers for the purposes of this Order section two hundred and sixty-five of the Public Health Act 1875 shall be incorporated with this Order and in the construction of that section "this Act" shall mean this Order and the principal Act and the "local authority" shall mean the local authority as such Undertakers.

Notices &c.

Notices &c. may be printed or written.

62. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the local authority the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication.

Service of notices &c.

63. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively:—

(*a*) In the case of the Board of Trade the office of the Board of Trade.

(*b*) In the case of the Postmaster-General the General Post Office.

(*c*) In the case of any county council the office of such council.

(*d*) In the case of any local authority the office of such local authority.

(*e*) In the case of the Undertakers or any other company having a registered office the registered office of the Undertakers or such company.

(*f*) In the case of a company having an office or offices but no registered office the principal office of that company.

(*g*) In the case of any other person the usual or last known place of abode of such person.

A notice order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly

addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing it on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be reckoned in the computation of such time (that is to say) Sunday Christmas Day Good Friday any bank holiday under and within the meaning of the Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving.

Revocation of Order.

Revocation of Order where Undertakers are insolvent.

64. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order and that such default is in consequence of the insolvency of the Undertakers and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order the Board of Trade may after such inquiry as they may think necessary and after considering any representations of the local authority revoke this Order as to the whole or with the consent of the Undertakers as to any part of the area of supply.

Revocation of Order where undertaking cannot be carried on with profit.

65. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit and ought to be abandoned the Board of Trade shall inquire into the truth of such representation and if upon such inquiry they are satisfied of the truth of such representation they may if in their discretion they think fit revoke this Order as to the whole or (with the consent of the Undertakers and of the local authority) as to any part of the area of supply.

Revocation of Order with consent.

66. In addition to any other powers which the Board of Trade may have in that behalf they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority upon such terms as the Board of Trade may think just.

Provisions where Order revoked.

67. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply under any of the provisions of this Order the following provisions shall have effect:

(*a*) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority and shall in such notice fix a date at which such revocation shall take effect and from and after such date all the powers and liabilities of the Undertakers under this Order for

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the supply of energy within such area or part thereof as aforesaid shall absolutely cease and determine.

(*b*) Within two months after the service of such notice by the Board of Trade upon the local authority the local authority if they think fit may by notice in writing require the Undertakers to sell and thereupon the Undertakers shall sell to them so much of the undertaking or such part thereof as aforesaid as is within the district of the local authority upon terms of paying the then value of all land buildings works materials and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid such value being agreed or estimated in manner directed by the Electric Lighting Act 1888 in the case of purchases effected by the local authority under section two of that Act.

(*c*) Where any purchase is so effected the undertaking or part thereof so purchased shall vest in the local authority freed from any debts mortgages or similar obligations of the Undertakers or attaching to the undertaking and the revocation of this Order as to the whole of the area of supply or such part thereof as aforesaid shall extend only to the revocation of the rights powers authorities duties and obligations of the Undertakers from whom the undertaking or such part thereof as aforesaid is purchased in relation to the supply of energy within such area or part thereof and save as aforesaid this Order shall remain in full force within such area or part thereof in favour of the local authority by whom such undertaking or part thereof is purchased as aforesaid.

(*d*) Where no purchase has been effected under the preceding provisions of this section the local authority and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed may (subject however to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care and the Undertakers shall pay to the local authority or other such body or person as aforesaid such reasonable costs of such removal and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person or (if so required by the Undertakers within one week after the service of such notice upon them) as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice or the delivery of the award of the arbitrator (as the case may be) the local authority or other such body or persons as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any such works as aforesaid either by public auction or private sale and for such sum or sums and to such person or persons as they may think fit and may out of the proceeds of such sale pay and reimburse themselves the

amount of the costs so specified or settled as aforesaid and of the costs of sale and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

(*e*) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area or part thereof as aforesaid or the exercise of any powers by this Order granted to the Undertakers or for any expenses to which such local authority body or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof and which may not have been repaid or released to the Undertakers and such money shall be applied rateably in satisfying such claims and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid shall be determined by arbitration.

General.

Remedying of system and works.

68. If at any time it is represented to the Board of Trade (*a*) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or (without such consent or approval as is required by this Order) have permitted any part of their circuits to be connected with earth or placed any electric line above ground or (*b*) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order or (*c*) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may by order specify the matter complained of and require the Undertakers to abate or discontinue the same within such period as may be therein limited in that behalf and if the Undertakers make default in complying with such order they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

In any case of non-compliance with an order under this section whether a pecuniary penalty has been recovered or not the Board of Trade if in their

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opinion the public interest so requires may revoke this Order on such terms a they may think just.

Publication of regulations.

69. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and a true copy thereof certified by or on behalf of the Undertakers shall be forthwith served upon the local authority and like copies shall also be kept by the Underakers at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

Nature and amount of security.

70. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed upon between the parties or as in default of agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings of Board of Trade.

71. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or assistant secretary of the Board.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or assistant secretary of the Board or by any person authorised in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the order or act so certified.

Approval or consent of Board of Trade.

72. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit.

All costs and expenses of or incident to any approval consent certificate or order of the Board of Trade or of any inspector or person appointed by the Board of Trade including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by the applicant or applicants therefor Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may

require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may as they think fit revoke any approval so given or permit such approval to be continued subject to such modifications as they may think necessary.

Notice of approval of Board of Trade &c. to be given by advertisement.

73. Where the Board of Trade upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or where the Board of Trade upon the application of the local authority or the Undertakers revoke this Order as to the whole or any part of the area of supply notice that such approval has been given or such extension of time granted or such revocation made shall if the Board of Trade so direct be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

Notice of application for extension of time &c. to be given to local authority.

74. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers notice of such application shall be served on the local authority by the Undertakers and an opportunity shall be given to the local authority to make representations or objections with reference thereto.

Recovery and application of penalties.

75. All penalties fees expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Any penalty recovered on prosecution by an officer of the local authority shall if there is an electric inspector for the time being appointed by the local authority be paid to such officer and by him to the local authority and shall be applied in aid of the local rate.

Any penalty recovered on prosecution by any other body or person or any part thereof may if the court shall so direct be paid to such body or person.

Undertakers to be responsible for all damages.

76. The Undertakers shall be answerable for all accidents damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason or in consequence of any of the Undertakers' works and shall save harmless all authorities bodies and persons by whom any street is repairable and all other authorities companies and bodies collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries.

As to mortgages.

77. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking or any part thereof under section two of the Electric Lighting Act 1888 or under this Order and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part

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being sold or transferred as aforesaid and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

Saving clause for Postmaster-General.

78. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts 1863 to 1892 and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Undertakers not exempted from proceedings for nuisance.

79. Nothing in this Order shall exonerate the Undertakers from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Provision as to general Acts.

80. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Order.

SCHEDULES.

FIRST SCHEDULE.

Area of Supply.

The borough of Guildford as the same is constituted at the commencement of this Order.

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order.

High Street.	Market Street.
Spital Street.	Friary Street.
North Street.	

THIRD SCHEDULE.

List of streets not repairable by the local authority railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

(*a.*) Streets.

South Hill, from the private gate at the west end to the corner by the British School at the east end
Lawn Road
Sandfield Terrace Road
Baillie Road
Cooper's Road from Stable Road to Union Lane
Pewley Hill
Clandon Road
So much of Edgeborough Road as is within the area of supply and is not repairable by the local authority

(*b.*) Railways.

None.

(*c.*) Tramways.

None.

FOURTH SCHEDULE.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electric-motive force of one volt during one hour.

Section 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

Section 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section one of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

Electric Lighting Provisional Orders (No. 4). [H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Aberdare, Birmingham, Chelmsford, and Guildford.

(*Brought from the Lords* 15 *June* 1894.)

Ordered, by The House of Commons, *to be Printed.*
15 *June* 1894.

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[Bill 285.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Clonmel and Moss Side (Collier Marr). A.D. 1894.

WHEREAS under the authority of the Electric Lighting Acts, 1882 and 1888, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act: 45 & 46 Vict. c. 56. 51 & 52 Vict. c. 12.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Acts is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Acts, as set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Electric Lighting Orders Confirmation (No. 5) Act, 1894. Short title.

2. The several Orders, as amended and set out in the schedule to this Act, shall be and the same are hereby confirmed, and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and effect. Orders in schedule confirmed.

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SCHEDULE.

List of Orders.

1. Clonmel.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Mayor, Aldermen, and Burgesses of the Borough of Clonmel.

2. Moss Side (Collier Marr).—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Collier Marr Telephone and Electrical Manufacturing Company, Limited.

CLONMEL CORPORATION ELECTRIC LIGHTING.

A.D. 1894.

Clonmel.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 *and* 1888 *to the Mayor Aldermen and Burgesses of the Borough of Clonmel in respect of the Borough of Clonmel and certain portions of the District of the Clonmel Union adjacent thereto.*

Preliminary.

1. This Order may be cited as the Clonmel Corporation Electric Lighting Order 1894. Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts 1882 and 1888 and of any other Acts or parts of Acts incorporated therewith (which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act") and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings provided that in this Order— Interpretation.

The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882:

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied:

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply:

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers:

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply:

The expression "general supply" shall mean the general supply of energy to ordinary consumers but shall not include the supply of energy to any one or more particular consumers under special agreement:

The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order:

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The expression "rural authority" shall mean the guardians of the Clonmel Union and the provisions of this Order referring to that authority shall apply only so far as they affect that part of the area of supply for which the rural authority are the local authority for the purposes of the principal Act:

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers:

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines:

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected:

The expression "railway" shall include any tramroad (that is to say) any tramway other than a tramway as herein-after defined:

The expression "tramway" shall mean any tramway laid along any street:

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof:

The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively:

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade:

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet with such detail plan and sections as may be necessary.

Commencement of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Description of the Undertakers.

Description of Undertakers.

4. Subject to the provisions of this Order the Undertakers for the purposes of this Order shall be the mayor aldermen and burgesses of the borough of Clonmel acting by the town council as the urban sanitary authority for the borough Provided that if the part of the undertaking within the rural sanitary district of the Clonmel Union is at any time purchased by the rural authority that authority shall from the date of such purchase be the Undertakers in relation to that part in lieu of the Undertakers above described.

Area of Supply.

Area of supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule which said area is more particularly delineated upon the deposited map and thereon coloured red.

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Nature and Mode of Supply.

Systems and mode of supply.

6. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act provided as follows:—

(1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

(2.) The Undertakers shall not without the express consent of the Board of Trade place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purpose of supply; and

(3.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations and conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster General and is made in accordance with the conditions (if any) of such approval.

Lands.

Purchase and use of lands.

7. Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

Provided also that the Undertakers shall not purchase or acquire for the purposes of this Order ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

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Works.

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Powers for execution of works.

8. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land dedicated to public use Provided however as respects any such railway that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway except such streets railways or tramways (if any) or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section thirteen of the Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been specified in the said schedule.

Street boxes.

9. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy including apparatus for the proper ventilation of such boxes but no such box or apparatus shall be placed above ground without the borough of Clonmel except with the consent of the rural authority.

Every such box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works or for other like purposes connected with the undertaking and the Undertakers may place therein meters switches and any other suitable and proper apparatus for any of the above purposes.

Every such box including the upper surface or covering thereof shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise.

The rural authority may with the approval of the Board of Trade prescribe the hours during which the Undertakers are to have access to such of the said boxes as are within the district of that authority and the Undertakers shall not during any hours not so prescribed remove or displace or keep removed or displaced the upper surface or covering of any such box except with the consent of the rural authority or in case of emergency.

Notice of works with plan to be

10. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve

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the placing of any works in under along or across any street or public bridge the following provisions shall have effect:—

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(A) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a notice upon the Postmaster General and the rural authority describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street or bridge is to be interfered with and shall upon being required to do so by the Postmaster General or the rural authority give him or them any such further information in relation thereto as he or they may desire: served on the Postmaster General and rural authority.

(B) The Postmaster General or the rural authority may in his or their discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Undertakers:

(C) Where the Postmaster General or the rural authority approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapprove of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same:

(D) If the Postmaster General or the rural authority fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them he or they shall be deemed to have approved such works and plan:

(E) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster General and the rural authority or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and the principal Act:

(F) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster General and the rural authority for any loss or damage which he or they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

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Where any street or public bridge is repairable by the grand jury the Undertakers shall serve a like notice and plan upon the county surveyor on behalf of the grand jury in addition to those served upon the Postmaster General and the county surveyor shall submit the same to the grand jury at their next succeeding assizes and the foregoing provisions of this section shall apply to the grand jury in like manner as to the Postmaster General and the rural authority except that in sub-section (D) fourteen days after "the next assizes" shall be substituted for "one month."

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster General being at any time injuriously affected by the Undertakers' works or their supply of energy.

As to streets not repairable by local authority or grand jury railways tramways and canals.

11. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under along or across any street or part of a street not repairable by the local authority or grand jury or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested:—

(A) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under this Order or the principal Act serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal (as the case may be) in this section referred to as the "owners" describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire:

(B) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof:

(C) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly:

(D) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible;

(E) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which

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they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties:

(F) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works:

(G) Where the repair renewal or amendment of any existing works of which the character or position is not altered will involve any interference with any railway level crossing or any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than twenty-four hours' notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act:

(H) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Street authority &c. may give notice of desire to break up streets &c. on behalf of Undertakers.

12. Any body or person for the time being liable to repair any street or part of a street or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order may if they think fit serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served Where such body or person as aforesaid (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers then so long as such

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notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested :—

(A) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or neglected to comply with such requisition as herein-after provided or in cases of emergency :

(B) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act the Undertakers shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged :

(C) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable :

(D) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice :

(E) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice :

(F) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances ;

(G) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily :

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Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains tunnels or other works or railway or tramway as in this section mentioned.

As to alteration of pipes wires &c. under streets.

13. The Undertakers may alter the position of any pipes (not forming part of any sewer of the rural authority) or wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested:—

(A) One month before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as the "operators" shall serve a notice upon the body or person for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as the "owners" describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire:

(B) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly:

(C) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible:

(D) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as

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aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties:

(E) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after provided:

(F) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made:

(G) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable:

(H) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them:

(I) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily:

(J) Any owners may if they think fit by any statement served by them under this section upon any operators not being a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order and where any operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given:

(K) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case

shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

Laying of electric lines &c. near gas or water pipes or other electric lines.

14. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer drain watercourse defence or work under the jurisdiction or control of the rural authority or any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as "the operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to the rural authority or to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as "the owners" not less than three days' notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such main pipe syphon electric line or work and for securing access thereto and they shall also if required to do so by the owner thereof repair any damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the position of any pipe electric line or work they shall temporarily support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade and the Undertakers shall not except with the consent of the gas electric supply or water company as the case may be and of the Board of Trade lay their electric lines so as to come into contact with any such mains pipes lines or services or except with the like consent employ any such mains pipes lines or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the

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circumstances or that the default in question was due to the fact that the operators were ignorant of the position of the main pipe syphon electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas under statutory powers the expression "water company" shall mean any body or person lawfully supplying water or water power and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act but not under this Order.

For protection of railway and canal companies.

15. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways tunnels arches works or conveniences belonging to any railway or canal company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection of telegraphic and telephonic wires.

16.—(1) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to affect whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed laid down or placed their electric lines or other works or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby such question shall be determined by arbitration and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in or additions to their system so as to comply with the provisions of this section and the Undertakers shall make such alterations or additions accordingly.

(2) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Undertakers shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose of preventing such injurious affection

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and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

(3) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

Mains &c. to be laid down in streets specified in Second Schedule and in remainder of area of supply.

17.—(1) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule and shall thereafter maintain the same.

(2) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply upon being required to do so in manner by this Order provided.

All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade.

(3) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule the Undertakers shall (unless the authority or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of

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Trade under section thirteen of the Electric Lighting Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

As to laying of electric line under special agreement.

18. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer in the district of the rural authority and not for the purposes of general supply the Undertakers shall serve upon the rural authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid a notice stating that the Undertakers intend to lay such electric line and setting forth the effect of this section and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order that a supply shall be given to their premises the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

If Undertakers fail to lay down mains &c. Order may be revoked.

19. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively the Board of Trade may after considering any representations of the Undertakers either revoke this Order as to the whole or any part of the area of supply or if the Undertakers so desire suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order Provided that the Board of Trade shall not revoke this Order as to part of the area of supply where the Undertakers make a representation that they desire to be relieved of their liabilities as respects the rest of the area of supply and in such case the Board of Trade shall not under this section revoke this Order otherwise than as to the whole of the area of supply.

Manner in which requisition is to be made.

20. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street or where the rural authority has the control and management of the public lamps in such street or part of a street by the rural authority.

Every such requisition shall be signed by the persons making the same or on behalf of the rural authority (as the case may be) and shall be served upon the Undertakers.

Forms of requisition shall be kept by the Undertakers at their office and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the rural authority on application for the same and any requisition so supplied shall be deemed valid in point of form.

Provitions on requisition by owners or occupiers.

21. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom

the requisition is signed stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected or in case of difference the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade who after such inquiry (if any) as they shall think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years and to specify such sum or per-centage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly.

In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement such difference shall subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid be determined by arbitration.

Provisions on requisition by rural authority.

22. Where any such requisition is made by the rural authority it shall not be binding on the Undertakers unless at the time when such service is effected

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or within fourteen days thereafter there be tendered to the Undertakers (if required by them) an agreement executed by the rural authority and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

Supply.

Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.

23. The Undertakers shall upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order subject to the conditions following (that is to say):—

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property shall if the Undertakers so require be defrayed by such owner or occupier:

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them.

Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to

give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues.

Provided also that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may if they think fit discontinue to supply energy to such premises so long as such user continues.

Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines fittings or apparatus such difference shall be determined by arbitration.

Maximum power.

24. The maximum power with which any consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption on his premises Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration shall be paid by him to the Undertakers and may be recovered summarily.

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration.

Supply of energy to public lamps.

25. The Undertakers upon receiving reasonable notice from the rural authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order shall give and continue to give a supply of energy to such lamps in such quantities as the rural authority may require to be supplied.

Penalty for failure to supply.

26. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

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Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required by the rural authority to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp and for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

Price.

Methods of charging.

27. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

(1) By the actual amount of energy so supplied; or

(2) By the electrical quantity contained in such supply; or

(3) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method.

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall by public advertisement give notice by what method they propose to charge for energy supplied through such main and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to every consumer who is supplied by them from such main.

Maximum prices.

28. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively or in the case of a method of charge approved of by the Board of Trade such price as the Board shall on approving such method determine.

Other charges by agreement.

29. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to some

one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge accordingly.

Price to public lamps.

30. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps without the borough of Clonmel and the mode in which such charges shall be ascertained shall be settled by agreement between the rural authority and the Undertakers and in case of difference by arbitration regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose and the prices charged to ordinary consumers in the district.

Electric Inspectors.

Appointment of electric inspectors.

31. The Board of Trade on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows:—

(A) The inspection and testing periodically and in special cases of the Undertakers' electric lines and works and the supply of energy given by them;

(B) The certifying and examination of meters; and

(C) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The Board of Trade may prescribe the fees to be taken by an electric inspector and the manner in which and the times at which his duties are to be performed.

Remuneration of electric inspector.

32. The Undertakers shall pay to every electric inspector appointed under this Order such reasonable remuneration (if any) as may be determined by the Board of Trade and such remuneration may be in addition to or in substitution for any fees which are directed to be paid to electric inspectors for services rendered by them under this Order or any regulations of the Board of Trade made in pursuance of this Order as may be settled by such Board and where any such remuneration is settled to be in substitution for fees any fees payable by any party other than the Undertakers shall in lieu of being paid to such electric inspector for his own use be due and paid to him on behalf and for the use of the Undertakers and shall be carried by them to the credit of the local rate.

Inquiry by Board of Trade and reports of accidents.

33. The Board of Trade may if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order so far as such provisions affect the safety of the public have been complied with by the Undertakers and any person appointed

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under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

The Undertakers shall send to the Board of Trade notice of any accident by explosion or fire and also of any other accident of such kind as to have caused or to be likely to have caused loss of life or personal injury which may occur in any part of the Undertakers' works or their circuits or in connexion with the same and also notice of any loss of life or personal injury (if any) occasioned by any such accident.

Such notice shall be sent by the earliest practicable post after the accident occurs or (as the case may be) after the loss of life or personal injury becomes known to the Undertakers.

If the Undertakers fail to comply with the provisions of this section they shall be liable for each offence to a penalty not exceeding twenty pounds.

Testing and Inspection.

Testing of mains.

34. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of works and supply on consumer's premises.

35. An electric inspector if and when required to do so by any consumer shall on payment by such consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Undertakers to establish testing stations.

36. A court of summary jurisdiction may upon the application of any ten consumers direct the Undertakers at their own cost to establish at such places within a reasonable distance from a distributing main and keep in proper condition such reasonable number of testing stations as the court shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main and thereupon the Undertakers shall establish such testing places and provide thereat such proper and suitable instruments of a pattern to be approved by the Board of Trade as the court may direct and they shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing.

Undertakers to keep instruments on their premises.

37. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take and record and keep recorded such observations as the Board of Trade may prescribe and any observations so recorded shall be receivable in evidence.

Readings of instruments to be taken.

38. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place set up or keep at any testing station or on their own premises and any electric inspector appointed under this Order may examine and record the readings of such instruments and any readings so recorded shall be receivable in evidence.

Electric inspector may test Undertakers' instruments.

39. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers and ascertaining if the same are in order and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

Representation of Undertakers at testings.

40. The Undertakers may if they think fit on each occasion of the testing of any main or service line or the testing or inspection of any instruments of the Undertakers by any electric inspector be represented by some officer or other agent but such officer or agent shall not interfere with the testing or inspection.

Undertakers to give facilities for testing.

41. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or under this Order in that behalf and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

Report of results of testing.

42. Every electric inspector shall on the day immediately following that on which any testing has been completed by him under this Order make and deliver a report of the results of his testing to the authority or person by whom he was required to make such testing and also to the Undertakers and such report shall be receivable in evidence.

If the Undertakers or any such authority or person are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal and their decision shall be final and binding on all parties.

Expenses of electric inspector.

43. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by the Board of Trade and shall be paid by the Undertakers and may be recovered summarily.

Provided that where the report of an electric inspector or the decision of the Board of Trade shows that any consumer was guilty of any default or negligence

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such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the Board of Trade having regard to such report or decision shall direct and may be recovered summarily.

Provided also that in any proceeding for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court may direct.

Meters.

Meters to be used except by agreement.

44. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meter to be certified.

45. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter" Provided that where any alteration is made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Inspector to certify meters.

46. Every electric inspector on being required to do so by the Undertakers or by any consumer and on payment of the prescribed fee by the party so requiring him shall examine any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified.

Undertakers to supply meters if required to do so.

47. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter and shall if required so to do fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable times and execute all necessary work and do all necessary acts Provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.

Meters not to be connected or disconnected without notice.

48. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do and if any person

acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Consumer to keep his meter in proper order.

49. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value and in default of his so doing the Undertakers may cease to supply energy through such meter.

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times Provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary shall if the meter be found to be not in proper order be paid by the consumer but if the same be in proper order all expenses connected therewith shall be paid by the Undertakers.

Power to the Undertakers to let meters.

50. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such remuneration in money and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be recoverable by the Undertakers summarily.

Undertakers to keep meters let for hire in repair.

51. The Undertakers shall unless the agreement for hire otherwise provides at all times at their own expense keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for correctly registering such value and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all reasonable times Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

Differences as to correctness of meters to be settled by inspector.

52. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers) is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be determined upon the application of either party by an electric inspector who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

Undertakers to pay expenses of providing new meters where method of charge altered.

53. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Undertakers

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shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily.

Undertakers may place meters to measure supply or to check measurement thereof.

54. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply Provided that such meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Board of Trade and shall be supplied and maintained entirely at the cost of the Undertakers and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Maps.

Map of area of supply to be made and deposited.

55. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains service lines and other underground works and street boxes and shall once in every year cause such map to be duly corrected so as to show the then existing lines The Undertakers shall also if so required by the Board of Trade or the Postmaster General cause to be made sections showing the level of all their existing mains and underground works other than service lines The said map and sections shall be on such scale or scales as the Board of Trade shall prescribe.

Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Undertakers at their principal office within the area of supply and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

The Undertakers shall if so required by the Board of Trade or the Postmaster General or the rural authority supply to them or him a copy of any such map or section and cause such a copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

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Application of Moneys received.

Application of revenue.

56. All moneys received by the Undertakers in respect of the undertaking except (A) borrowed money (B) money arising from the disposal of lands acquired for the purposes of this Order and (C) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:—

(1) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers their officers or servants in relation to the undertaking:

(2) In payment of the interest or dividend on any mortgages stock or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes:

(3) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes:

(4) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital:

(5) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the Undertakers and accumulating the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or any part thereof to the improvement of the district for which they are the local authority or in reduction of the capital moneys borrowed for electricity purposes.

Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the Undertakers.

Any deficiency of income in any year not answered out of the reserve fund shall be charged upon and payable out of the local rate.

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Application of capital moneys.

57. All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

(1) In the reduction of the capital moneys borrowed by them for electricity purposes.

(2) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

Notices &c.

Notices &c. may be printed or written.

58. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the Undertakers or the rural authority the signature thereof by their clerk or surveyor shall be sufficient authentication.

Service of notices &c.

59. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively:—

(A) In the case of the Board of Trade the office of the Board of Trade;

(B) In the case of the Postmaster General the General Post Office;

(C) In the case of any grand jury the office of the county surveyor;

(D) In the case of any local authority the office of such local authority;

(E) In the case of any company having a registered office the registered office of such company;

(F) In the case of a company having an office or offices but no registered office the principal office of such company;

(G) In the case of any other person the usual or last known place of abode of such person.

A notice order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing it on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be reckoned in the computation of such time (that is to say) Sunday Christmas Day Good Friday any bank holiday under and within the meaning of the Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving.

Revocation of Order.

Revocation where works not executed.

60. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made default in executing works or supplying energy in accordance with the provisions of this Order the Board of Trade may after such inquiry as they may think necessary revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply upon such terms as to the Board of Trade may seem just.

Revocation of Order with consent.

61. In addition to any powers which the Board of Trade may have in that behalf they may revoke this Order at any time with the consent and concurrence of the Undertakers upon such terms as the Board of Trade may think fit.

Provisions where Order revoked.

62. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply under any of the provisions of this Order the following provisions shall have effect:—

(A) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the rural authority and shall in such notice fix a date at which such revocation shall take effect and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area or part thereof as aforesaid shall absolutely cease and determine:

(B) Within two months after the service of such notice by the Board of Trade upon the rural authority that authority if they think fit may by notice in writing require the Undertakers to sell and thereupon the Undertakers shall sell to them so much of the undertaking or such part thereof as aforesaid as is within the district of the rural authority upon terms of paying the then value of all land buildings works materials and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid such value being agreed or estimated in manner directed by the Electric Lighting Act 1888 in the case of purchases effected by the rural authority under section two of that Act:

(C) Where any purchase is so effected the part of the undertaking so purchased shall vest in the rural authority freed from any debts mortgages or similar obligations of the Undertakers or attaching to the undertaking and the revocation of this Order as to the whole of the area of supply or such part thereof as aforesaid shall so far as respects that part extend only to the revocation of the rights powers authorities duties and obligations of the Undertakers in relation to the supply of energy within such part and save as aforesaid this order shall remain in full force within such part in favour of the rural authority:

(D) On the revocation taking effect in the borough of Clonmel and (if no purchase is effected by the rural authority) in the remainder of the area of supply any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed may (subject however to any agreement between such body or person and

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the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care and the Undertakers shall pay to such body or person such reasonable cost of such removal and of the reinstatement of the street or part of a street as may be specified in a notice to be served on the Undertakers by such body or person or (if so required by the Undertakers within one week after the service of such notice upon them) as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice or the delivery of the award of the arbitrator (as the case may be) such body or person as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any such works as aforesaid either by public auction or private sale and for such sum or sums and to such person or persons as they may think fit and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

Transfer of Powers &c.

Transfer of powers &c.

63.—(1) At any time after the commencement of this Order the Undertakers may with the consent of the Board of Trade (given after consideration of any representations which the rural authority may make) by deed to be approved by the Board of Trade transfer their powers duties liabilities and works to any company or person subject to such exceptions and modifications (if any) and for such period and upon such terms as may be specified therein and either as to the whole or any part or parts of the area of supply and during the said period but subject to the provisions of this Order such company or person shall to the extent of the powers duties and liabilities so transferred be the Undertakers for the purposes of this Order.

(2) One month at least before any draft deed is submitted to the Board of Trade for their approval under this section notice of the intention to make such transfer shall be published by the Undertakers by advertisement and a copy of the said draft deed shall be deposited for public inspection during office hours at the principal office of the Undertakers within the area of supply and printed copies thereof shall be supplied to every person demanding the same at a price not exceeding sixpence for each copy.

(3) Every such advertisement shall contain the following particulars:—

(A) The area in respect of which the transfer is proposed to be made:

(B) The period for which the transfer is proposed to be made:

(C) The rent or other pecuniary consideration in respect of the transfer:

(D) A general description of the powers duties or liabilities of the Undertakers proposed to be excepted or modified and of the terms upon which the transfer is proposed to be made: and

(E) The address of the office at which the copy of the said draft deed is deposited for public inspection and at which printed copies of the same are on sale:

and such advertisement shall be inserted once at least in each of two successive weeks in one and the same newspaper circulating within the area of supply and once at least in the Dublin Gazette.

(4) The Undertakers may with the consent of the Board of Trade (given after consideration of any representations which the rural authority may make) by deed to be approved in like manner renew or continue any such transfer for such period and subject to such variations or modifications (if any) as may be specified therein and the above provisions as to advertisements and particulars shall apply to such matters as are hereby required to be specified in such last-mentioned deed.

(5) Where in relation to any powers duties or liabilities so transferred such company or person have in the opinion of the Board of Trade been guilty of any act or default in respect of which the Board of Trade are empowered to revoke this Order the Board of Trade if they think fit in lieu of revoking this Order may by order permit the Undertakers to resume the undertaking as from such day as may be fixed by the Order and from and after the said day the powers duties and liabilities of the said company or person as Undertakers shall cease and determine but without prejudice to anything done or suffered during the period of transfer.

(6) Any questions arising between the Undertakers and the said company or person respecting the resumption of the undertaking by the Undertakers shall be determined on the application of either party by the Board of Trade regard being had to the deed of transfer so far as applicable and the decision of the Board of Trade shall be final and conclusive.

(7) As soon as practicable after any such deed is approved by the Board of Trade printed copies thereof shall be kept by the Undertakers for public inspection at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy and in case of any default herein the Undertakers shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

(8) Nothing in this section shall affect any powers duties or liabilities of the Undertakers which shall not be transferred by any such deed and the Undertakers shall continue to have and be subject to such powers duties and liabilities (if any).

General.

Remedying of system and works.

64. If at any time it is represented to the Board of Trade (A) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or (without such consent or approval as is required by this Order) have permitted any part of their circuits to be connected with earth or placed any electric line above ground or (B) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order or (C) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously

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affects any telegraphic line of the Postmaster General the Board of Trade may by order specify the matter complained of and require the Undertakers to abate or discontinue the same within such period as may be therein limited in that behalf and if the Undertakers make default in complying with such order they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the Order is complied with or for such time as may be so specified and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

In any case of non-compliance with an order under this section whether a pecuniary penalty has been recovered or not the Board of Trade if in their opinion the public interest so requires may revoke this Order on such terms as they may think just.

Publication of regulations.

65. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and true copies thereof certified by or on behalf of the Undertakers shall be kept by them at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

Nature and amount of security.

66. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed upon between the parties or as in default of agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings of Board of Trade.

67. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or an assistant secretary of the Board.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or assistant secretary of the Board or by any person authorised in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

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A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the order or act so certified.

As to approval or consent of Board of Trade

68. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit.

All costs and expenses of or incident to any application for any approval consent certificate or order of the Board of Trade or of any inspector or person appointed by the Board of Trade including the cost of any inquiry or tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by the applicant or applicants therefor Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may as they think fit revoke any approval so given or permit such approval to be continued subject to such modifications as they may think necessary.

Notice of approval of Board of Trade &c. to be given by advertisement.

69. Where the Board of Trade upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or revoke this Order as to the whole or any part of the area of supply notice that such approval has been given or such extension of time granted or such revocation made shall if the Board of Trade so direct be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the Undertakers.

Recovery and application of penalties.

70. All penalties fees expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Any penalty recovered on prosecution by any body or person or any part thereof may if the court shall so direct be paid to such body or person.

Undertakers to be responsible for all damages.

71. The Undertakers shall be answerable for all accidents damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works and shall save harmless all authorities bodies and persons by whom any street is repairable and all other authorities companies and bodies collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries.

Incorporation of section 264 of Public Health (Ireland) Act 1878.

72. Section two hundred and sixty-four of the Public Health (Ireland) Act 1878 shall be incorporated with this Order and in the construction of that section for the purposes of this Order "this Act" means this Order and the principal Act and the "sanitary authority" means the Undertakers.

Saving clause for Postmaster General.

73. Nothing in this Order shall affect any right or remedy of the Postmaster General under the principal Act or the Telegraph Acts 1863 to

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1892 and all provisions contained in this Order in favour of the Postmaster General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Undertakers not exempted from proceedings for nuisance.

74. Nothing in this Order shall exonerate the Undertakers from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Provision as to general Acts.

75. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Order.

The SCHEDULES referred to in the foregoing Order.

FIRST SCHEDULE.

Area of supply :—

(1) The whole of the municipal borough of Clonmel as the same is constituted at the commencement of this Order (2) the road leading from Abbey Village past Marlfield House to the gate lodge near the farmyard on the north-west of Marlfield House (3) the road leading from the said village to Patrick's Well between the cross at the police barrack and the entrance gate to Mr. Percy Gough's residence called Salisbury situate in the townland of Inishlounaght (4) the road leading from the said village to the borough of Clonmel through the townlands of Inishlounaght and Toberaheena (5) the premises used as the Clonmel District Lunatic Asylum (6) the premises used as the Clonmel Union Workhouse (7) Heywood Road between the borough boundary and Mr. William Dwyer's entrance gate at Elmville in the townland of Cooleens (8) the road leading to Fethard between the borough boundary in Upper Gladstone Street in said borough and the station of the Waterford and Limerick Railway Company (9) the buildings and appurtenances of the said Railway Company known as the Clonmel Railway Station (10) the portion of the Fethard Road (East) between the said station and the borough boundary at Thomas Street (11) the Colville Road or road leading from Clonmel to Two-Mile-Bridge and Derrinlaur between the gate leading to Dudley's Mills now Mr. Russell's Mills in the townland of Croan and the next herein-after mentioned road including the said mills and the passage thereto (12) the county road between the municipal boundary at or near the Gashouse Bridge and the Colville Road aforesaid (13) the road leading from the Old Bridge to the said Gashouse Bridge situated partly in the townlands of Old Bridge and Raheens (14) the road or

street leading to Dungarven between the licensed house at Old Bridge occupied by Mrs. Catherine Keily and the municipal boundary at the Old Bridge.

The area of supply shall be deemed to include all buildings and premises abutting on any of the roads or streets herein-before mentioned.

SECOND SCHEDULE.

List of Streets and Parts of Streets throughout which the Undertakers are to lay Distributing Mains within a period of Two Years after the commencement of this Order.

Davis Road, Abbey Street, Anglesea Street, Barrack Street, Bank Lane, Kickham Street, Blue Anchor Lane, Bridge Street, Catherine Street, Cross Street, Dowd's Lane, Duckett Street, Mitchell Street, Sarsfield Street, Dillon Street, East Lane, Elbow Lane, Emmet Street, Gladstone Street, Gladstone Street Upper, King Street, Main Guard, Mall, Market Street, Nelson Street, New Quay and Bellevue Place, O'Connell Terrace, O'Connell Street, Old Quay, Parnell Street, Prince Edward's Place, Quay Street, River Street, Suir Island, Thomas Street, Wellington Street, Watergate, Waterford Road, Albert Street, Anne Street, Bolton Street, Cantwell Street, Cashel Street, Daniel Street, Dungarvan Road, Gravel Walk, Greenview, Grubb's Court, Grattan Place, Heywood Road, Quin Street, Hopkins Lane, Irishtown, Irishtown Upper, Mary Street, Morton Street, O'Neil Street, Peter Street, George's Court, Queen Street, Rink Place, St. Stephen's Place, Sherlock's Lane, West Gate, Wolfe Tone Street, William Street, Western Road, Old Bridge, the street or road leading to the station of the Waterford and Limerick Railway Company from Upper Gladstone Street, the street or road leading to the said railway station from Thomas Street.

THIRD SCHEDULE.

List of Streets not repairable by the Local Authority Railways and Tramways which may be broken up by the Undertakers in pursuance of the special Powers granted by this Order.

(*a*) *Streets*:—

The road from Clonmel to Marlfield between the borough boundary at Irishtown Upper and the entrance gate to Marlfield demesne the road between the Police Barrack at Marlfield and Mr. Percy Gough's entrance gate at Salisbury on the road leading to Patrick's Well the Heywood Road between the borough boundary and Mr. William Dwyer's gate at Elmville the road leading to Fethard between the

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borough boundary in Upper Gladstone Street and the Clonmel Railway Station the road leading to Fethard between the borough boundary in Thomas Street and the Clonmel Railway Station the Colville Road between the gate leading to Dudley's Mill at Croan and the county road near the Gashouse Bridge the county road near the Gashouse Bridge between the borough boundary and the Colville Road aforesaid the road leading from the Old Bridge to the said Colville Road between the corner of the Bleach Green at Old Bridge and the Colville Road the road leading to Dungarven between the borough boundary at the Old Bridge and Mrs. Catherine Keily's house at Old Bridge.

(*b*) *Railways* :—
None.

(*c*) *Tramways* :—
None.

FOURTH SCHEDULE.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour.

Section 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter:—For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

Section 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section one of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

MOSS SIDE ELECTRIC LIGHTING.

A.D. 1894.

Moss Side.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 *and* 1888 *to the Collier Marr Telephone and Electrical Manufacturing Company Limited in respect of the Urban Sanitary District of Moss Side in the County of Lancaster.*

Preliminary.

1. This Order may be cited as the Collier Marr Moss Side Electric Lighting Order 1894. Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts 1882 and 1888 and of any other Acts or parts of Acts incorporated therewith (which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act") and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings provided that in this Order— Interpretation.

The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882:

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied:

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply:

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers:

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply:

The expression "general supply" shall mean the general supply of energy to ordinary consumers and unless otherwise specially agreed with the local authority to the public lamps but shall not include the supply of energy to any one or more particular consumers under special agreement:

The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order:

The expression "county council" shall mean the county council of Lancashire:

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The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers:

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines;

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected:

The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as herein-after defined:

The expression "tramway" shall mean any tramway laid along any street:

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof:

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade:

The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively:

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet or to such other scale as the Board of Trade may approve for both plan and section together with such detail plan and sections as may be necessary.

Commencement of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Address and Description of the Undertakers.

Address and description of Undertakers.

4. The Undertakers for the purposes of this Order are the Collier Marr Telephone and Electrical Manufacturing Company Limited being a company registered under the Companies Acts 1862 to 1890 with limited liability and having its registered offices at Derby Street Oxford Road Manchester.

Provided that if the undertaking or any part thereof is as any time purchased by the local authority in accordance with the provisions of this Order or of the principal Act such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purpose of this Order in lieu of the Company above mentioned.

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any license Provisional Order or special Act unless the Undertakers are authorised by Parliament so to do.

If in contravention of this section the Undertakers purchase or acquire any such undertaking or associate themselves with any such other company or

person the Board of Trade may if they think fit revoke this Order upon such terms as they may think just.

Area of Supply.

Area of supply.

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule which said area is more particularly delineated upon the deposited map and thereon coloured red.

Prohibition of supply beyond area of supply.

6. The Undertakers shall not any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply otherwise than under the authority of Parliament or under a licence granted by the Board of Trade under the principal Act:

If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section the Board of Trade may revoke this Order on such terms as they may think just.

Security and Accounts.

Security for execution of works.

7. The Undertakers within a period of six months after the commencement of this Order and before exercising any of the powers by this Order conferred on them in relation to the execution of works shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply:

The Undertakers shall also within six months after the commencement of this Order or such extended period as may be approved by the Board of Trade and before exercising any of the powers conferred on them in relation to the execution of works deposit or secure to the satisfaction of the Board of Trade a sum of five hundred pounds.

If the Undertakers fail to show to the satisfaction of the Board of Trade within any such period as aforesaid that they are in such a position as above-mentioned or fail to deposit or secure such sum as aforesaid the Board of Trade may after considering any representations which the local authority may make revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply upon such terms as they may think just.

The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties when and so soon as it may be certified by an inspector to be appointed by the Board of Trade that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street or part of a street specified in that behalf in the Second Schedule and also in those streets or parts of streets named in the nineteenth section of this Order or at such earlier dates and by such instalments as may be approved by the Board of Trade.

Audit of Undertakers accounts.

8. The annual statement of accounts of the undertaking before being published as provided by section nine of the Electric Lighting Act 1882 shall so long as the local authority are not the Undertakers be examined and audited

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by such competent and impartial person as the Board of Trade shall appoint and the remuneration of the auditor shall be such as the Board of Trade shall direct and the same and all expenses incurred by him in or about the execution of his duties to such an amount as the Board of Trade shall approve shall be paid by the Undertakers on demand and shall be recoverable summarily as a civil debt.

The Undertakers shall give to the auditor his clerks and assistants access to such of the books and documents relating to the undertaking as shall be necessary for the purposes of the audit and shall when required furnish to him and them all vouchers and information requisite for such purpose and shall afford to him and them all facilities for the proper execution of his and their duty.

The Board of Trade may make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted or otherwise for the purpose of giving effect to the provisions of this section.

Any report made by the auditor or such portion thereof as the Board of Trade shall direct shall be appended to the annual statement of accounts and shall form part thereof for the purposes of the said section nine.

Nature and Mode of Supply.

System and mode of supply.

9. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act provided as follows:—

(1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public and for insuring a proper and sufficient supply of energy as the Board of Trade may impose; and

(2.) The Undertakers shall not without the express consent of the Board of Trade and the local authority place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purposes of supply; and

(3.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations or conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster General and is made in accordance with the conditions if any of such approval.

Works.

Powers for execution of works.

10. Subject to the provisions of this Order and the principal Act the Undertakers may from time to time exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land dedicated to public use Provided however as respects any such

railway that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level. A.D. 1894. *Moss Side.*

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway except such streets railways or tramways if any or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section thirteen of the Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been specified in the said schedule.

11. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy including apparatus for the proper ventilation of such boxes provided that no such box or apparatus shall be placed above ground except with the consent of the authority body or person by whom such street is repairable. Street boxes.

Every such box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works or for other like purposes connected with the undertaking and the Undertakers may place therein meters switches and any other suitable and proper apparatus for any of the above purposes.

Every such box including the upper surface or covering thereof shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise.

The local authority may with the approval of the Board of Trade prescribe the hours during which the Undertakers are to have access to such boxes and if the Undertakers during any hours not so prescribed remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority they shall be liable to a penalty not exceeding five pounds for every such offence and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

12. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in under along or across any street or public bridge the following provisions shall have effect:— Notice of works with plan to be served on the Postmaster General and local authority

(A.) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the

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character and position are not altered) the Undertakers shall serve a notice upon the Postmaster General and the local authority describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street or bridge or any sewer drain or tunnel therein or thereunder is to be interfered with and shall upon being required to do so by the Postmaster General or the local authority give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month no part of the month of August shall be included:

(B.) The Postmaster General or the local authority may in his or their discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Undertakers:

(C.) Where the Postmaster General or the local authority approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapprove of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same:

(D.) If the Postmaster General or the local authority fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon them he or they shall be deemed to have approved such works and plan:

(E.) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster General and the local authority or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and of the principal Act:

(F.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster General and the local authority for any loss or damage which he or they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

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Where in any case a street or public bridge is repairable by the county council this section shall be read and construed as if "county council" were substituted for "local authority" wherever that expression occurs.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster General being at any time injuriously affected by the Undertakers' works or their supply of energy.

As to streets not repairable by local authority railways tramways and canals.

13. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under along or across any street or part of a street not repairable by the local authority or county council or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested:—

(A.) One month at least before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under this Order or the principal Act serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal as the case may be (in this section referred to as the "owners") describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire:

(B.) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof:

(C.) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly:

(D.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible:

(E.) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and position are not altered)

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but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties:

(F.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works:

(G.) Where the repair renewal or amendment of any existing works of which the character or position is not altered will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than twenty-four hours' notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act:

(H.) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Street authority &c. may give notice of desire to break up streets &c. on behalf of Undertakers.

14. Any body or person for the time being liable to repair any street or part of a street or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order may if they think fit serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served Where any such body or person (in this section referred to as the "givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested:—

(A.) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where

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they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or neglected to comply with such requisition as herein-after provided or in cases of emergency:

(B.) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act the Undertakers shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged:

(C.) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable:

(D.) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice:

(E.) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice:

(F.) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances:

(G.) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily:

(H.) The givers of the notice may if they think fit require the Undertakers to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this Order If the Undertakers fail to give any such security within seven days after being required to do so or in case

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of difference after such difference has been determined by a court of summary jurisdiction they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given:

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains tunnels or other works or railway or tramway as in this section mentioned.

As to alterations of pipes wires &c. under streets.

15. The Undertakers may alter the position of any pipes (not forming part of any sewer of the local authority) or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested:—

(A.) One month at least before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as the "operators" shall serve a notice upon the body or person for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as the "owners" describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire:

(B.) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly:

(C.) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible:

(D.) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or securing any

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compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties

(E.) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after provided :

(F.) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made :

(G.) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable :

(H.) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them :

(I.) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily :

(J.) Any owners may if they think fit by any statement served by them under this section upon any operators not being a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order and where any operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given :

(K.) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and

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in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

Laying of electric lines &c. near sewers &c. or gas or water pipes or other electric lines.

16. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer drain watercourse defence or work under the jurisdiction or control of the local authority or any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as the "operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to the local authority or to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as the "owners" not less than three days' notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such sewer drain watercourse defence pipe syphon electric line or work and for securing access thereto and they shall also if required to do so by the owners thereof repair any damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the position of any pipe electric line or work they shall temporarily support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade and the Undertakers shall not except with the consent of the gas electric supply or water company (as the case may be) and of the Board of Trade lay their electric lines so as to come into contact with any such mains pipes lines or services or except with the like consent employ any such mains pipes lines or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not

exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the operators were ignorant of the position of the sewer drain watercourse defence pipe electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "water company" shall mean any body or person lawfully supplying water or water power and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act but not under this Order.

For protection of railway and canal companies.

17. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways tunnels arches works or conveniences belonging to any railway or canal company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection of telegraphic and telephonic wires.

18.—(1.) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to affect whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed laid down or placed their electric lines or other works or work their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby such questions shall be determined by arbitration and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in or additions to their system so as to comply with the provisions of this section and the Undertakers shall make such alterations or additions accordingly.

(2.) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Undertakers shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from

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time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose of preventing such injurious affection and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

(3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

Mains &c. to be laid down in specified streets and in remainder of area of supply.

19.—(1.) The Undertakers shall within six months after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout the streets known as Alexandra Road and Moss Lane West and also in such part of Moss Lane East as lies to the west of the Local Board Offices so far as such streets lie within the area of supply.

(2.) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Second Schedule and shall thereafter maintain the same.

(3.) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply upon being required to do so in manner by this Order provided.

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All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade.

(4.) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule the Undertakers shall (unless the authority or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section thirteen of the Electric Lighting Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

As to laying of electric line under special agreement.

20. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer and not for the purposes of general supply the Undertakers shall serve upon the local authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid a notice stating that the Undertakers intend to lay such electric line and setting forth the effect of this section and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order that a supply shall be given to their premises the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

If Undertakers fail to lay down mains &c. Order may be revoked.

21. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may after considering any representations of the local authority either revoke this Order as to the whole or any part of the area of supply or if the Undertakers so desire suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order Provided that the Board of Trade shall not revoke this Order as to part of the area of supply where the Undertakers make a representation that they desire to be relieved of their liabilities as respects the rest of the area of supply and in such case the Board of Trade shall not under this section revoke this Order otherwise than as to the whole of the area of supply.

Manner in which requisition is to be made.

22. Any requisition requiring the Undertakers to lay down distributing mains for the purposes o general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street or where the local authority has the control and

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management of the public lamps in such street or part of a street by the local authority.

Every such requisition shall be signed by the persons making the same or by the local authority (as the case may be) and shall be served upon the Undertakers.

Forms of requisition shall be kept by the Undertakers at their office and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply and to the local authority on application for the same and any requisition so supplied shall be deemed valid in point of form.

Provisions on requisition by owners or occupiers.

23. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom the requisition is signed stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for two years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding ten per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected or in case of difference the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them binding them to take or guaranteeing that there shall be taken for a period of two years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade who after such inquiry if any as they shall think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than two years and to specify such sum or per-centage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the

order and the terms of the above-mentioned agreement shall be varied accordingly.

In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement such difference shall subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid be determined by arbitration.

Provisions on requisition by local authority.

24. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such service is effected or within fourteen days thereafter there be tendered to the Undertakers (if required by them) an agreement executed by the local authority and binding them to take for a period of two years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

Supply.

Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.

25. The Undertakers shall upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order subject to the conditions following (that is to say)

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers although not on such property shall if the Undertakers so require be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of energy shall—

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence and

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers

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within the area of supply shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them.

Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues.

Provided also that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may if they think fit discontinue to supply energy to such premises so long as such user continues.

Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines fittings or apparatus such difference shall be determined by arbitration.

Maximum power.

26. The maximum power with which any consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption on his premises Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration shall be paid by him to the Undertakers and may be recovered summarily as a civil debt.

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration.

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Supply of energy to public lamps.

27. The Undertakers upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of one hundred and fifty yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

Penalty for failure to supply.

28. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp and for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day and provided also that in n case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

Price.

Methods of charging.

29. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

(1.) By the actual amount of energy so supplied; or

(2.) By the electrical quantity contained in such supply; or

(3.) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method.

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall give notice to

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the local authority by what method they propose to charge for energy supplied through such main and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the local authority and to every consumer of energy who is supplied by them from such main.

Maximum prices.

30. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively or in the case of a method of charge approved by the Board of Trade such prices as the Board of Trade shal on approving such method determine Provided that if the local authority or the Undertakers shall at any time after the expiration of five years after the commencement of this Order make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered the Board of Trade after such inquiry as they may think fit may make an order varying the prices or methods of charge stated in the said schedule or so approved as aforesaid or substituting other prices or methods of charge in lieu thereof and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order as if they had been stated in the said schedule Provided also that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of five years after the same were last altered.

Other charges by agreement.

31. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge accordingly.

Price to public lamps.

32. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps not exceeding fivepence halfpenny per unit and the mode in which such charges shall be ascertained shall be settled by agreement between the local authority and the Undertakers and in case of difference by arbitration regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose and the prices charged to ordinary consumers in the district.

Electric Inspectors.

Appointment of electric inspectors.

33. The local authority so long as they are not themselves the Undertakers for the purposes of this Order may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

If no electric inspector is appointed by the local authority or if the inspection of electric lines and works is imperfectly attended to by the local authority or if the local authority themselves become the Undertakers for the

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purposes of this Order the Board of Trade on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows:—

(*a.*) The inspection and testing periodically and in special cases of the Undertakers' electric lines and works and the supply of energy given by them;

(*b.*) The certifying and examination of meters; and

(*c.*) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The local authority with the approval of the Board of Trade or the Board of Trade if the inspector is appointed by them may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector and also the fees to be taken by him and such fees shall be accounted for and applied as may be directed by the local authority or the Board of Trade as the case may be.

Remuneration of electric inspectors.

34. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine and such remuneration may be in addition to or in substitution for any fees directed to be paid to electric inspectors in respect of their duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act according as the local authority shall determine.

Inquiry by Board of Trade and reports of accidents.

35. The Board of Trade may also if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order so far as such provisions affect the safety of the public have been complied with by the Undertakers and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

The Undertakers shall send to the Board of Trade notice of any accident by explosion or fire and also of any other accident of such kind as to have caused or to be likely to have caused loss of life or personal injury which may occur in any part of the Undertakers' works or their circuits or in connexion with the same and also notice of any loss of life or personal injury (if any) occasioned by any such accident Such notice shall be sent by the earliest practicable post after the accident occurs or as the case may be after the loss of life or personal injury becomes known to the Undertakers.

If the Undertakers fail to comply with the provisions of this section they shall be liable for each offence to a penalty not exceeding twenty pounds.

Testing and Inspection.

Testing of mains.

36. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector and

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such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of works and supply on consumer's premises.

37. An electric inspector if and when required to do so by any consumer shall on payment by the consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Undertakers to establish testing stations.

38. The Undertakers shall at such places within a reasonable distance from a distributing main establish at their own cost and keep in proper condition such reasonable number of testing stations as the local authority or where the local authority are the Undertakers as the Board of Trade shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade and shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing.

If any dispute arises between the local authority and the Undertakers as to whether the number of such testing stations and the distance from the main at which they are established is reasonable or excessive or as to any excessive or improper use of energy for such testing or as to the performance by the Undertakers of their duties under this section such dispute shall be determined by arbitration.

Undertakers to keep instruments on their premises.

39. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take and record and keep recorded such observations as the Board of Trade may prescribe and any observations so recorded shall be receivable in evidence.

Readings of instruments to be taken.

40. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place set up or keep at any testing station or on their own premises and any electric inspector appointed under this Order may examine and record the readings of such instruments at

such times and in such manner as he may be directed by the authority by whom he is appointed and any readings so recorded shall be receivable in evidence.

Electric inspector may test Undertakers' instruments.

41. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers and ascertaining if the same are in order and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

Representation of Undertakers at testings.

42. The Undertakers may if they think fit on each occasion of the testing of any main or service line or the testing or inspection of any instruments of the Undertakers by any electric inspector be represented by some officer or other agent but such officer or agent shall not interfere in the testing or inspection.

Undertakers to give facilities for testing.

43. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or under this Order in that behalf and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

Report of results of testing.

44. Every electric inspector shall on the day immediately following that on which any testing has been completed by him under this Order make and deliver a report of the results of his testing to the authority or person by whom he was required to make such testing and to the Undertakers and such report shall be receivable in evidence.

If the Undertakers or any such authority or person are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal and their decision shall be final and binding on all parties.

Expenses of electric inspector.

45. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade and shall be paid by the Undertakers.

Provided that where the report of an electric inspector or the decision of the Board of Trade shows that any consumer was guilty of any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the court or Board having regard to such report or decision shall direct and may be recovered summarily as a civil debt.

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

Meters.

Meters to be used except by agreement.

46. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply

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(according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meter to be certified.

47. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter" Provided that where any alteration is made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Inspector to certify meters.

48. Every electric inspector on being required to do so by the Undertakers or by any consumer and on payment of the prescribed fee by the party so requiring him shall examine any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified.

Undertakers to supply meter if required to do so.

49. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter and fittings and shall if required so to do fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable times and execute all necessary works and do all necessary acts Provided that previously to supplying any such meter the Undertakers may require such consumer to give security therefor or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.

Meters not to be connected or disconnected without notice.

50. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers or disconnect any such meter from any such electric line unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Consumer to keep his meter in proper order.

51. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value and in default of his so doing the Undertakers may cease to supply energy through such meter.

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times Provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary shall if the meter be found to be not in proper order be paid by the consumer but if the same

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be in proper order all expenses connected therewith shall be paid by the Undertakers.

Power to the Undertakers to let meters.

52. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such remuneration in money not exceeding two shillings and sixpence per quarter and on such terms for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers to keep meters let for hire in repair.

53. The Undertakers shall unless the agreement for hire otherwise provides at all times at their own expense keep all meters and their fittings let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for correctly registering such value and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues The Undertakers shall for the puposes aforesaid have access to and be at liberty to remove test inspect and replace any such meter at all reasonable times Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

Differences as to correctness of meter to be settled by inspector.

54. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers) is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be determined upon the application of either party by an electric inspector or where the local authority are the consumers by an inspector to be appointed by the Board of Trade who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

Undertakers to pay expenses of providing new meters where method of charge altered.

55. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

Undertakers may place meters to measure supply or to check measurement thereof.

56. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply Provided that such meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service

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lines in some manner approved by the Board of Trade and shall be supplied and maintained entirely at the cost of the Undertakers and shall not except by agreement be placed otherwise than between the mains of the Undertakers' and the consumer's terminals.

Maps.

Map of area of supply to be made and deposited.

57. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains service lines and other underground works and street boxes and shall once in every year cause such map to be duly corrected so as to show the then existing lines The Undertakers shall also if so required by the Board of Trade or the Postmaster General cause to be made sections showing the level of all their existing mains and underground works other than service lines The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Undertakers at their principal office within the area of supply and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

The Undertakers shall if so required by the Board of Trade or the Postmaster General or the local authority supply to them or him a copy of any such map or section and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Purchase and Transfer of the Undertaking.

Transfer by agreement of undertaking to local authority.

58. At any time after the commencement of this Order the Undertakers may with the consent of the Board of Trade transfer the undertaking to the local authority upon such terms and conditions as may be agreed upon and approved by the Board of Trade.

Terms of compulsory purchase.

59. The terms upon which under the second section of the Electric Lighting Act 1888 the local authority may require the Undertakers to sell and upon which the Undertakers shall be required to sell to the local authority shall be varied as follows:—

(1) The local authority may at any time before the expiration of forty-two years after the commencement of this Order give notice in writing to the Undertakers requiring them to sell their undertaking to the local authority and at the expiration of six calendar months after such notice shall have been given the Undertakers shall sell their undertaking to the

local authority upon the terms of paying to the Undertakers such a sum as will at three and a half per cent. per annum produce a yearly sum equal to five per cent. per annum upon the sum agreed or determined by arbitration to have been properly expended by the Undertakers upon the undertaking and chargeable to capital account provided that if the local authority shall exercise the power conferred by this sub-section before the expiration of ten years from the commencement of this Order the local authority shall in addition pay to the Undertakers a sum equal to the aggregate amount of a dividend of six per cent. per annum on the said capital expenditure less the aggregate amount of the dividends declared by the Undertakers from the date or dates of such expenditure to the date of the purchase.

(2.) The local authority may at any time after the expiration of twenty-five years from the commencement of this Order and before the expiration of thirty-five years after such commencement (but without prejudice to the option given to them by sub-section (1) of this section) give notice in writing to the Undertakers requiring them to sell their undertaking to the local authority and at the expiration of six calendar months after such notice shall have been given the Undertakers shall sell their undertaking to the local authority upon the terms of paying the then value thereof in accordance with section two of the Electric Lighting Act 1888 together with such additional sum as may be agreed or determined by arbitration to be the value of the goodwill of the undertaking.

(3.) The local authority may not less than six months before or within six months after the expiration of the period of thirty-five years from the commencement of this Order and not less than six months before or within six months after the expiration of every subsequent period of five years but without prejudice to the option given to them by sub-section (1) of this section give to the Undertakers notice in writing requiring the Undertakers to sell their undertaking as at the expiration of such respective periods to the local authority in accordance with section two of the Electric Lighting Act 1888 and the Undertakers shall sell the undertaking accordingly and the provisions of that section shall apply as if the period of forty-two years therein mentioned had expired and as if the subsequent period of purchase were altered to five years instead of ten.

(4.) Any notice given under this section shall specify under which sub-section the notice is given.

Application of moneys received by local authority as Undertakers.

60. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

(A) All moneys received by the Undertakers in respect of the undertaking except (*a*) borrowed money (*b*) money arising from the disposal of lands acquired for the purposes of this Order and (*c*) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:—

(1) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers their officers or servants in relation to the undertaking:

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(2) In payment of the interest or dividend on any mortgages stock or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes:

(3) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes:

(4) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital:

(5) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the Undertakers and accumulating the same at compound interest until the fund so formed amounts to one tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if the fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or any part thereof to the improvement of the district for which they are the local authority or in reduction of the capital moneys borrowed for electricity purposes.

Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

(1) In the reduction of the capital moneys borrowed by them for electricity purposes:

(2) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

Purchase and use of lands.

61. If the local authority become the Undertakers for the purposes of this Order the following provision shall have effect:—

Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this

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Order and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

Provided also that the Undertakers shall not purchase or acquire for the purposes of this Order ten or more houses which on the fifteenth day of December last before the transfer of the undertaking to the local authority were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Incorporation of section 265 of Public Health Act 1875.

62. If the local authority become the Undertakers for the purposes of this Order section 265 of the Public Health Act 1875 shall be incorporated with this Order and in the construction of that section "this Act" shall mean this Order and the principal Act and the "local authority" shall mean the local authority as such Undertakers.

Notices &c.

Notices &c. may be printed or written.

63. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the local authority the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication.

Services of notices &c.

64. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively:—

(A.) In the case of the Board of Trade the office of the Board of Trade;

(B.) In the case of the Postmaster General the General Post Office;

(C.) In the case of the county council the office of such council;

(D.) In the case of any local authority the office of such local authority;

(E.) In the case of the Undertakers or any other company having a registered office the registered office of the Undertakers or such company;

(F.) In the case of a company having an office or offices but no registered office the principal office of that company;

(G.) In the case of any other person the usual or last known place of abode of such person.

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A notice order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing the notice on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be reckoned in the computation of such time (that is to say) Sunday Christmas Day Good Friday any bank holiday under and within the meaning of the Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving.

Revocation of Order.

Revocation of Order where Undertakers are insolvent.

65. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order and that such default is in consequence of the insolvency of the Undertakers and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order the Board of Trade may after such inquiry as they may think necessary and after considering any representations of the local authority revoke this Order as to the whole or with the consent of the Undertakers as to any part of the area of supply.

Revocation of Order where undertaking cannot be carried on with profit.

66. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit and ought to be abandoned the Board of Trade shall inquire into the truth of such representation and if upon such inquiry they are satisfied of the truth of such representation they may if in their discretion they think fit revoke this Order as to the whole or (with the consent of the Undertakers and of the local authority) as to any part of the area of supply.

Revocation of Order with consent.

67. In addition to any other powers which the Board of Trade may have in that behalf they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority upon such terms as the Board of Trade may think just.

Provisions where Order revoked.

68. If the Board of Trade at any time revoke this Order as to the whole or part of the area of supply under any of the provisions of this Order the following provisions shall have effect:—

(A.) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority and shall in such notice fix a date at which such revocation shall take effect and from and after such

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date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area or part thereof as aforesaid shall absolutely cease and determine:

(b.) Within two months after the service of such notice by the Board of Trade upon the local authority the local authority if they think fit may by notice in writing require the Undertakers to sell and thereupon the Undertakers shall sell to them so much of the undertaking or such part thereof as aforesaid as is within the district of the local authority upon terms of paying the then value of all land buildings works materials and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid such value being agreed or estimated in manner directed by the Electric Lighting Act 1888 in the case of purchases effected by the local authority under section two of that Act:

(c.) Where any purchase is so effected the undertaking or part thereof so purchased shall vest in the local authority freed from any debts mortgages or similar obligations of the Undertakers or attaching to the undertaking and the revocation of this Order as to the whole of the area of supply or such part thereof as aforesaid shall extend only to the revocation of the rights powers authorities duties and obligations of the Undertakers from whom the undertaking or such part thereof as aforesaid is purchased in relation to the supply of energy within such area or part thereof and save as aforesaid this Order shall remain in full force within such area or part thereof in favour of the local authority by whom such undertaking or part thereof is purchased as aforesaid:

(d.) Where no purchase has been effected under the preceding provisions of this section the local authority and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed may (subject however to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such works with all reasonable care and the Undertakers shall pay to the local authority or other such body or person as aforesaid such reasonable costs of such removal and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person or (if so required by the Undertakers within one week after the service of such notice upon them) as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice or the delivery of the award of the arbitrator (as the case may be) the local authority or other such body or person as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any such works as aforesaid either by public auction or private sale and for such sum or sums and to such person or persons as they may think fit and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale and

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the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

(E.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area or part thereof as aforesaid or the exercise of any powers by this Order granted to the Undertakers or for any expenses to which such local authority body or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof and which may not have been repaid or released to the Undertakers and such money shall be applied rateably in satisfying such claims and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid shall be determined by arbitration.

General.

Remedying of system and works.

69. If at any time it is represented to the Board of Trade (*a*) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or (without such consent or approval as is required by this Order) have permitted any part of their circuits to be connected with earth or placed any electric line above ground or (*b*) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order or (*c*) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster General the Board of Trade may by order specify the matter complained of and require the Undertakers to abate or discontinue the same within such period as may be therein limited in that behalf and if the Undertakers make default in complying with such order they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

In any case of non-compliance with an order under this section whether a pecuniary penalty has been recovered or not the Board of Trade if in their opinion the public interest so requires may revoke this Order on such terms as they may think just.

Publication of regulations.

70. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in

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force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and a true copy thereof certified by or on behalf of the Undertakers shall be forthwith served upon the local authority and like copies shall also be kept by the Undertakers at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

Nature and amount of security.

71. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed upon between the parties or as in default of agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings of Board of Trade.

72. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or assistant secretary of the Board.

All documents purporting to be Orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or assistant secretary of the Board or by any person authorised in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the order or act so certified.

Approval or consent of Board of Trade.

73. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit.

All costs and expenses of or incident to any approval consent certificate or order of the Board of Trade or of any inspector or person appointed by the Board of Trade including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by the applicant or applicants therefor Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may as they think fit revoke any approval so given or permit such approval to be continued subject to such modifications as they may think necessary.

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Notices of approval of Board of Trade &c. to be given by advertisement.

74. Where the Board of Trade upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or where the Board of Trade upon the application of the local authority or the Undertakers revoke this Order as to the whole or any part of the area of supply notice that such approval has been given or such extension of time granted or such revocation made shall if the Board of Trade so direct be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

Notice of application for extension of time &c. to be given to local authority.

75. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers notice of such application shall be served on the local authority by the Undertakers and an opportunity shall be given to the local authority to make representations or objections with reference thereto.

Recovery and application of penalties.

76. All penalties fees expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Any penalty recovered on prosecution by an officer of the local authority shall if there is an electric inspector for the time being appointed by the local authority be paid to such officer and by him to the local authority and shall be applied in aid of the local rate.

Any penalty recovered on prosecution by any other body or person or any part thereof may if the court shall so direct be paid to such body or person.

Undertakers to be responsible for all damages.

77. The Undertakers shall be answerable for all accidents damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works and shall save harmless all authorities bodies and persons by whom any street is repairable and all other authorities companies and bodies collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries.

As to mortgages.

78. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking or any part thereof under section two of the Electric Lighting Act 1888 or under this Order and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being sold or transferred as aforesaid and that every mortgage deed granted by the Undertakers shall be indorsed with notice to that effect.

Saving clause for Postmaster General.

79. Nothing in this Order shall affect any right or remedy of the Postmaster General under the principal Act or the Telegraph Acts 1863 to 1892 and all provisions contained in this Order in favour of the Postmaster General shall

be construed to be in addition to and not in modification of the provisions of those Acts.

Undertakers not exempted from proceedings for nuisance.

80. Nothing in this Order shall exonerate the Undertakers from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Provision as to general Acts.

81. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefit of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Order.

SCHEDULES.

FIRST SCHEDULE.

Area of Supply.

The urban sanitary district of Moss Side in the county of Lancaster as the same is constituted at the commencement of this Order.

SECOND SCHEDULE.

List of Streets and Parts of Streets throughout which (so far as they lie within the Area of Supply) the Undertakers are to lay Distributing Mains within a period of Two Years after the commencement of this Order.

Moss Lane East, so much as lies to the east of the Local Board Offices.
Withington Road.
Whalley Road.
Upper Chorlton Road.
Princess Road.
Great Western Street west of Princess Road.
Yarburgh Street.
Raby Street.

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THIRD SCHEDULE.

List of Streets not repairable by the Local Authority Railways and Tramways which may be broken up by the Undertakers in pursuance of the special Powers granted by this Order.

(*a.*) *Streets:*—

Upper Chorlton Road.
Carlton Road.
Dudley Road.
Victoria Road.
Russell Road.
Rufford Road.
Stanley Road.

So much of the said streets as is within the area of supply.

(*b.*) *Railways:*—

None.

(*c.*) *Tramways:*—

The tramways of the Moss Side Local Board now in lease to the Manchester Carriage and Tramways Company.

FOURTH SCHEDULE.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour.

SECTION 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter For any amount up to twenty units thirteen shillings and fourpence and for each unit if over twenty units sevenpence during the first twelve months and sixpence halfpenny during the second twelve months after the commencement of this Order and thereafter sixpence.

SECTION 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section one of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

Electric Lighting Provisional Orders (No. 5).

[H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Clonmel and Moss Side (Collier Marr).

(*Brought from the Lords* 18 *June* 1894.)

Ordered, by The House of Commons, *to be Printed,* 18 *June* 1894.

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[*Price* 7½*d.*]

[Bill 289.]

Elementary Education Bill.

MEMORANDUM.

The objects of this Bill are—

(1.) To transfer to borough and other district councils acting through educational committees the powers and duties under the Education Acts now possessed by school attendance committees appointed under the Elementary Education Act, 1876, by town councils, urban sanitary authorities, and boards of guardians respectively, in areas not under school boards. (Clause 1.)

(2.) To enable school boards to change their names so as to make them correspond with that of the district under their jurisdiction. (Clause 2.)

(3.) To legalise, both in the case of board and of voluntary schools, necessary expenditure on school savings banks, such as the cost of audit and of necessary books. (Clause 3.)

(4.) To authorise school boards and the local authorities who will take the place of school attendance committees to pay the expenses of conveying children sent by them to industrial schools. (Clause 4.)

A

B I L L

TO

Amend the Elementary Education Acts. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Provisions as to powers and duties of school attendance committees.

1.—(1.) In every school district which is not for the time being within the jurisdiction of a school board, the powers and duties of a school attendance committee under the Elementary Education Acts, 1870 to 1893, shall be exercised and performed by the council of the county borough, or urban or rural district, comprising the school district, or the part thereof under the authority of the council, acting through a committee of that council appointed for educational purposes, and the council so acting shall be the local authority within the meaning of those Acts, and references to the school attendance committee in sections twenty-seven and thirty-eight of the Elementary Education Act, 1876, shall be construed as references to the committee so appointed.

(2.) The expenses of the council so acting shall be paid, in a borough, out of the borough fund or borough rate, and elsewhere out of a fund to be raised out of the poor rate of the parishes in which the council exercise their powers under this Act, according to the rateable value of each parish; and for the purpose of obtaining payment of such expenses the council shall have the same power as any board of guardians have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor.

(3.) Nothing in this Act shall affect the continuance in office of any officer of any school attendance committee appointed by any council of a borough or by any urban sanitary authority, and section one hundred and twenty of the Local Government Act, 1888 (which relates to compensation to existing officers), shall apply in the case of any existing officers affected by this Act, and

51 & 52 Vict. c. 41.

A.D. 1894.

being officers of a school attendance committee appointed by a board of guardians, as if references in that section to the county council were references to the board of guardians. Provided that any expenses incurred by a board of guardians in pursuance of this section shall be paid out of a fund to be raised out of the poor rate of the parishes in which the school attendance committee acted according to the rateable value of each parish; and for the purpose of raising such a fund the board of guardians shall have the same powers as for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor.

(4.) The enactments mentioned in the schedule to this Act are hereby repealed.

(5.) This section shall come into operation on such day as may be fixed by order of the Education Department, not being later than *thirty days* after the day on which the members of the district councils first elected under the Local Government Act, 1894, come into office.

Power for school board to change name. [*See* 56 & 57 Vict. c. 73. s. 55.]

2. Any school board may, with the sanction of the Education Department, make such change in their name as will bring it into conformity with the name of their district.

Power of school board to pay expenses incidental to school savings bank.

3. Expenses reasonably incurred in connexion with deposits in a savings bank by or on behalf of scholars attending at a public elementary school shall, if the school is under a school board, be treated as included in the expenses of the school board under the Elementary Education Act, 1870, and shall in any case be treated as incurred for the purpose of the school.

Power for school board, &c., to pay expenses of conveying child to and from industrial school.

4. Where a child is committed to a certified industrial school at the instance of a school board or other local authority within the meaning of the Elementary Education Acts, 1870 to 1893, the board or local authority shall have power to pay the expenses of and incidental to the conveyance of the child to and from the school.

Short title.

5. This Act may be cited as the Elementary Education Act, 1894, and shall be read with the Elementary Education Acts, 1870 to 1893.

SCHEDULE.

A.D. 1894.

Enactments repealed.

Session and Chapter.	——	Remarks.
39 & 40 Vict. c. 79.	The Elementary Education Act, 1876.	Section seven, from "and (2.) "In every other school dis- "trict" to "ex officio "guardians." In section twenty-eight, the words "but subject in the case "of a school attendance com- "mittee to the approval "herein-after mentioned," and the words "or the officers "of the council or guardians "by whom the committee "are appointed." Sections thirty-one, thirty-two, and thirty-three. Section thirty-four, to "ac- "cordingly." The Second Schedule.

Elementary Education.

A

B I L L

To amend the Elementary Education Acts.

(*Prepared and brought in by Mr. Acland and Mr. Shaw-Lefevre.*)

Ordered, by The House of Commons, *to be Printed*, 28 *June* 1894.

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[Bill 302.]

Elementary Education (Continuation Schools) Bill.

MEMORANDUM.

The principal objects of the present Bill are as follows :—

(1.) To provide that certificates of exemption are to be granted in respect of previous due attendance only.

(2.) To provide that children holding certificates of exemption may complete their elementary instruction by attendances at evening continuation schools for periods which may extend beyond the attainment of 14 years.

(3.) To provide a special mode for reckoning half-time attendances in agricultural districts.

(4.) To authorise the Secretary of State and the Education Department to prescribe the number of attendances which shall qualify children for certificates, and which shall be required at evening continuation schools.

(5.) To require employers to give due facilities for the attendance of children at evening schools.

(6.) To make the provision of evening schools by school boards compulsory, and to enable parish councils to call upon the managers of voluntary schools to provide evening schools, and in the event of their default, to provide such schools themselves.

A

B I L L

TO

Amend the Elementary Education Acts and to provide Continuation Schools.

A.D. 1894.

WHEREAS under the Elementary Education Acts children are under an obligation of attending school until they attain the age of fourteen years, subject to the provision of those Acts as to exemption:

And whereas it is expedient that certificates of exemption should be given in respect of previous due attendance only, and that exemption from attendance at day schools should be given before the attainment of fourteen years on condition of attendances at evening continuation schools for periods subsequent in certain cases to the attainment of the said age:

And whereas it is expedient that further provision should be made for evening continuation schools:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Exemption certificates to be given in respect of attendances only.

1.—(1.) From and after the commencement of this Act certificates authorising the exemption of children from the obligation of attending school shall be granted in respect of previous due attendance only and shall authorise the child to be employed half or full time as the case may be.

Such certificates are in this Act referred to as "half-time certificates" and "full-time certificates" respectively.

(2.) A half-time certificate shall be granted to any child who has completed the prescribed number of attendances at school during *five years* after attaining the age of *six years*.

(3.) A full-time certificate shall be granted to any child who has completed the prescribed number of attendances

A.D. 1894.

at school during *six years* after attaining the age of *six years*.

Attendance at evening continuation school of children holding certificates of exemption.

2. Every child who before he attains the age of *fourteen years* obtains a certificate of exemption shall, unless he continues to attend the day school until he attains that age, be under the obligation of attending an evening continuation school as follows :—

(*a.*) If he obtains a full-time certificate at *thirteen years* of age, having been employed under a half-time certificate while under that age, he must attend an evening continuation school until he attains the age of *sixteen years*.

(*b.*) If he obtains a full-time certificate at *thirteen years* of age, not having been employed under a half-time certificate while under that age, he must attend an evening continuation school until he attains the age of *fourteen years*.

(*c.*) If he obtains a full-time certificate at *twelve years* of age he must attend an evening continuation school until he attains the age of *sixteen years*.

Special provisions for agricultural districts.

3. The following provisions shall apply to school districts with respect to which the Education Department have certified that the population thereof are mainly employed in agricultural pursuits :—

(1.) The attendances of children possessing half-time certificates may be reckoned either as in other districts, or by full attendances during half of each week, or by full attendances during half of each year.

(2.) An evening continuation school may on Saturdays meet at *two* o'clock in the afternoon, or at any time thereafter.

Qualifying number of attendances to be prescribed by Secretary of State and Education Department.

4. A Secretary of State and the Education Department may, by order, prescribe the number of attendances—

(*a*) entitling a child to a half-time certificate :

(*b*) entitling a child to a full-time certificate :

(*c*) required to be completed in an evening continuation school by a child holding either a half-time or a full-time certificate :

and such number may be either a total number of attendances, or an average number of attendances, subject in either case to a minimum number of attendances during each year.

Employers to give facilities to children attending continuation schools.

5. The employer of a child, who, though holding a full-time certificate, is under an obligation of attending an evening continuation school, shall give that child all due facilities for attending such school, and any employer not giving such facilities shall be deemed to take such child into his employment in contravention of the Elementary Education Acts.

A.D. 1894.

Provision of continuation schools.

6.—(1.) For the continuation of the instruction of children who have obtained certificate of exemption from attendance at elementary day schools, and for persons whose attendance at evening schools is recognised by the Code of 1894, or any future code, evening schools shall be provided as follows :—

(*a.*) Every school board shall provide and maintain an evening continuation school.

(*b.*) The managers of an elementary school (not being the school of a school board) may, and if required by the parish council under the provisions of this section shall, provide and maintain an evening continuation school.

(2.) Section eight of the Local Government Act, 1894, shall be read as if, in addition to the powers thereby conferred upon a parish council, the following power had been inserted after sub-section (*h*) of that section, that is to say, a power to make annual grants to any evening continuation school within the limits of the parish (not being the school of a school board).

(3.) Where any parish council by resolution determine to exercise such power they may call upon the managers of such school as aforesaid to provide and maintain an evening continuation school.

(4.) If the said managers within *two months* after the service of notice of such resolution, do not consent to provide such evening continuation school, or if having so consented they do not within three months after such service make provision to the satisfaction of the Education Department for opening such school, the parish council may themselves provide and maintain under the Education Department an evening continuation school in any suitable room or rooms in the schoolhouse of any school under the said managers, or elsewhere, and the parish council, or any committee appointed by them shall for the purposes of the Elementary Education Acts be the managers of such continuation school, and the expenses thereof shall be payable as other expenses of the parish council.

(5.) The amount of the annual grant to be made by a parish council to any managers in pursuance of this section shall be such as may be annually agreed upon between the parish council and the said managers, or as, in default of such agreement, may be determined by the Education Department.

(6.) Any resolution of the parish council rescinding any such resolution as above in this section mentioned shall not take effect till the end of the then current school year, and on that resolution taking effect, the obligation imposed upon the

A.D. 1894.

said managers to maintain the evening continuation school shall cease.

(7.) The parish council of any parish adjacent may agree or combine with the council of the parish in which such elementary school is situate to make grants under this section, and the provisions of the said Act with respect to such agreements and combinations shall apply.

Grants to continuation schools.

7. *The Education Department may make grants to evening continuation schools on such conditions as they may prescribe.*

They may also make a special grant in respect of the expenses incurred in the case of any evening continuation school in procuring any such maps, pictures, optical lanterns, models, and other apparatus, objects, or things as are reasonably required by the school for the purpose of obtaining any grant made by the Education Department for excellence of methods in teaching by means of such apparatus, objects, or things.

Amendment of 52 & 53 Vict. c. 76.

8. Paragraph (*a*) of sub-section (1) of section one of the Technical Instruction Act, 1889, shall not apply to scholars who have, under the provisions of the Elementary Education Acts, 1870 to 1893, or this Act, ceased to be under the obligation of attending an elementary school, whether they are or are not, in fact, taking any of the obligatory or standard subjects.

Commencement.

9. This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-five*, which day is in this Act referred to as the commencement of this Act.

Short title and construction.

10. This Act may be cited as the Continuation Schools Act, 1894, and shall be read with the Elementary Education Acts, 1870 to 1893.

Elementary Education (Continuation Schools).

A

B I L L

To amend the Elementary Education Acts, and to provide Continuation Schools.

(*Prepared and brought in by*
Mr. Samuel Smith, Mr. Mather,
Sir Henry Roscoe, Sir John Lubbock, Mr. Fisher,
Mr. Howell, Mr. Herbert Lewis,
Mr. Alpheus Morton, Sir George Baden-Powell,
Mr. Henry J. Wilson, Mr. Yerburgh,
and Sir Richard Temple.)

Ordered, by The House of Commons, *to be Printed,*
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[Bill 293.]

A

B I L L

TO

Regulate the conditions under which Children are Exempted from Attendance at School.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Abolition of certificates of proficiency for purposes of employment.

1. From and after the commencement of this Act, the certificate required under the Elementary Education Acts, 1870 to 1893, and the Factory and Workshop Acts, 1878 to 1891 (herein-after in this Act called the principal Acts), so as to enable a child to be employed, shall (except in the cases mentioned in this Act) be given without reference to any standard of proficiency, and so much of those Acts, and of any regulations and orders thereunder as relates to a certificate of proficiency, is hereby repealed.

Establishment of certificates of previous due attendance for purposes of employment.

2. From and after the commencement of this Act, the certificate required under the principal Acts so as to enable a child to be employed, whether full time or half time, who has not reached the ages prescribed by the principal Acts, or by any bye-law approved by the Education Department under these Acts, for full time or half time employment respectively, shall be a certificate of previous due attendance under the provisions of this Act.

Amendment of the law as to certificates of due attendance.

3. A certificate of previous due attendance for the purpose of the principal Acts and this Act shall be according to such standards of attendance as may be from time to time fixed with respect to full time and half time employment respectively, by an order made by a Secretary of State and the Education Department, provided that the standards fixed shall not extend over any period previous to the *passing of this Act* greater than a period of *two years* immediately preceding the passing of this Act.

An order under this section to come into force at the commencement of this Act shall be published in the London Gazette on or

A.D. 1894.

before the *first day of October* in the present year, and any subsequent order shall not come into force until *six months* after similar publication.

Method of obtaining certificate of due attendance.

4. Any local authority, parent, or other person interested in the employment of a child under this Act may require the principal teacher for the time being of any certified efficient school which such child has attended, to furnish a certificate of previous due attendance according to the standard fixed by an order made by a Secretary of State and the Education Department, on payment to the said principal teacher of a fee not exceeding *sixpence* for each such certificate or copy of such certificate.

Certificate of proficiency in special cases.

5. Where it is impossible for a child to obtain a certificate of previous due attendance as required by this Act, either by reason that he has attended a school other than a certified efficient school, or has not resided in England for a sufficient time, such child may be employed either full time or half time if, on production of a statutory declaration made by the parent or guardian of such child, he obtains from the local authority such a certificate of exemption as is in this section mentioned.

The said certificate of exemption shall be in place of the certificate of previous due attendance only, and all other provisions and conditions affecting the school attendance and employment of children contained in this Act shall apply in the case of such child.

A certificate for the purposes of this section shall be according to such degree of proficiency with reference to the Education Code for the time being as may be fixed by a Secretary of State and the Education Department.

Repeal.

6. The Acts mentioned in the schedule to this Act are, to the extent mentioned in the third column of the schedule, hereby repealed.

Commencement, extent, and short title.

7.—(1.) This Act shall commence on the *first day of January one thousand eight hundred and ninety-five.*

(2.) This Act shall not extend to Scotland or Ireland.

(3.) This Act may be cited as the Elementary Education Act, 1894, and shall be construed as with the Elementary Education Acts, 1870 to 1893.

SCHEDULE.

A.D. 1894.

Year and Chapter.	Title of Act.	Extent of Repeal.
39 & 40 Vict. c. 79 -	The Elementary Education Act, 1876.	Section five, First Schedule.
41 Vict. c. 16 - -	The Factory and Workshop Act, 1878.	Section twenty-six, so far as it relates to a certificate or standard of proficiency.
43 & 44 Vict. c. 23 -	The Elementary Education Act, 1880.	Section four, so far as it relates to a certificate or standard of proficiency.
54 & 55 Vict. c. 75 -	The Factory and Workshop Act, 1891.	Section 18.

Elementary Education (Exemption from School Attendance).

A

B I L L

To regulate the conditions under which Children are Exempted from Attendance at School.

(*Prepared and brought in by Sir Richard Temple, Mr. Howard, Mr. Tomlinson, Mr. Price, and Mr. Dodd.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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[*Price* ½*d.*]

[Bill 54.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education Act, 1870, to enable the School Boards for Barry United District, Brotherton, Hornsey, Low Leyton, Liverpool, Sutton (Surrey), West Ham, Willesden, and York to put in force the Lands Clauses Acts. A.D. 1894.

WHEREAS the Lords of the Committee of the Privy Council on Education have made certain Provisional Orders under the authority of the Elementary Education Act, 1870, on behalf of the School Boards for Barry United District, Brotherton, Hornsey, Low Leyton, Liverpool, Sutton (Surrey), West Ham, Willesden, and York, and it is requisite that the same should be confirmed by Parliament: 33 & 34 Vict. c. 75.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The following Orders as set out shall be and are hereby confirmed, and from and after the passing of this Act shall have full validity and force. Confirmation of Orders.

2. The School Boards for Barry United District, Brotherton, Hornsey, Low Leyton, Liverpool, Sutton (Surrey), West Ham, Willesden, and York shall not, under the powers of this Act, or of the said Orders, purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, or, except with the consent of the Local Government Board, ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Saving with respect to houses of labouring classes.

A.D. 1894.

For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

Short title.

3. This Act may be cited as the Education Department Provisional Orders Confirmation (Barry, &c.) Act, 1894.

A.D. 1894.

THE SCHOOL BOARD FOR THE BARRY UNITED SCHOOL DISTRICT, COUNTY OF GLAMORGAN.

Provisional Order for putting in force the Lands Clauses Acts.

At the Council Chamber, the 28th day of April 1894.

Whereas the School Board for the Barry United School District, in the county of Glamorgan, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

Signed this 28th day of April 1894.

(Signed) Wm. Tucker,
One of the Assistant Secretaries of the
Education Department.

A.D. 1894.

SCHEDULE TO THE FOREGOING ORDER.

A piece of land in the parish of Cadoxton, in the county of Glamorgan, containing by admeasurement one acre more or less, being a part of the common known as Cadoxton Common, in the same parish and county, and which said common is one of the commons or waste lands held of the Manor of Cadoxton, in the county of Glamorgan, whereof Laura Frances Jenner, of Wenvoe Castle, in the said county of Glamorgan, is lady.

THE SCHOOL BOARD FOR BROTHERTON, ADMINISTRATIVE COUNTY OF THE WEST RIDING OF YORK.

Provisional Order for putting in force the Lands Clauses Acts.

At the Council Chamber, the 5th day of April 1894.

Whereas the School Board for the parish of Brotherton, in the administrative county of York, W.R., require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Acts, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

Signed this 5th day of April 1894.

(Signed) G. Miller,
One of the Assistant Secretaries of the
Education Department.

SCHEDULE TO THE FOREGOING ORDER. A.D. 1894.

A field of grass land, known as Vicar's Croft, in the parish of Brotherton, in the occupation of the Rev. George Haslam. Quantity 28,674 square feet or thereabouts.

THE SCHOOL BOARD FOR HORNSEY, COUNTY OF MIDDLESEX.

Provisional Order for putting in force the Lands Clauses Acts.

At the Council Chamber, the 19th day of February 1894.

Whereas the School Board for the parish of Hornsey, in the county of Middlesex, require to purchase certain pieces of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Acts, which apply to the purchase and taking of lands otherwise than by agreement

And whereas the lands so required to be purchased are set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said lands are situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the pieces of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this 19th day of February 1894.

(Signed) J. W. J. Stephenson,
One of the Assistant Secretaries of the
Education Department.

A.D. 1894.

SCHEDULE TO THE FOREGOING ORDER.

Parish of Hornsey.—Thirteen houses, outbuildings, gardens, and premises, situated on the west side of Woodstock Road, Stroud Green Road, in the parish of Hornsey, in the county of Middlesex, being Nos. 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, and 86 in the said road (No. 86 being at the corner of Woodstock Road and Perth Road).

Eight houses, outbuildings, gardens, and premises, situated on the south-east side of Perth Road, Stroud Green Road, in the parish of Hornsey, in the county of Middlesex, and being Nos. 19, 21, 23, 25, 27, 29, 31, and 33 in the said road.

Six houses, outbuildings, gardens, and premises, situated on the east side of Ennis Road, Stroud Green Road, in the parish of Hornsey, in the county of Middlesex, and being Nos. 42, 44, 46, 48, 50, and 52 in the said road.

Also all appurtenances connected with the said houses, hereditaments, and premises (which comprise together 27 houses, as above stated).

Area 47,204 square feet, or thereabouts.

THE SCHOOL BOARD FOR LOW LEYTON, COUNTY OF ESSEX.

Provisional Order for putting in force the Lands Clauses Acts.

At the Council Chamber, the 16th day of February 1894.

WHEREAS the School Board for the parish of Low Leyton, in the county of Essex, require to purchase certain pieces of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Acts, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the lands so required to be purchased are set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit

to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said lands are situate as to the propriety of the proposed Order: A.D. 1894.

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the pieces of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this 16th day of February 1894.

(Signed) G. Miller,
One of the Assistant Secretaries of the
Education Department.

SCHEDULE TO THE FOREGOING ORDER.

A piece of vacant land, bounded on the north by Goodall Road, on the south by other land (lately belonging to the British Land Company, Limited, and by them sold to various purchasers), on the east by Elmore Road, and on the west by Webster Road, and which piece of land formed lots 58 to 78 and 90 to 98 (all inclusive) of the British Land Company's "Leyton Station" Estate. Area, about 66,226 square feet.

A piece of vacant land, bounded on the north-east by Bickley Road, on the north-west by land belonging to the British Land Company, Limited, on the south-east by Capworth Street, and on the south-west by Shortlands Road, and which piece of land formed lots 162A to 176 and 302 to 319 (all inclusive) of the British Land Company's "Leyton Hall" Estate. Area, about 65,884 square feet.

THE SCHOOL BOARD FOR LIVERPOOL, COUNTY BOROUGH OF LIVERPOOL.

Provisional Order for putting in force the Lands Clauses Acts.

At the Council Chamber, the 2nd day of May 1894.

Whereas the School Board for Liverpool, in the County Borough of Liverpool, require to purchase certain pieces of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Acts, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the lands so required to be purchased are set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary

A.D. 1894.

Education Act, 1870, and have presented a petition to the Education Department, praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication, and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said lands are situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the pieces of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

The School Board for Liverpool shall, before commencing to erect any buildings on the land situate in Stanhope Street and Grafton Street, to which this Order relates, stop up or remove all existing sewers of the Corporation thereon, or otherwise deal with the same to the satisfaction of the city engineer of the Corporation; and save as aforesaid the Board shall not injure nor interfere with any sewer of the Corporation:

The Board shall, before commencing to erect any buildings on the said land, pay to the Corporation the value of any water pipes belonging to the Corporation which may be upon the said land:

Signed this 2nd day of May 1894.

(Signed) F. C. HODGSON,
One of the Assistant Secretaries of the Education Department.

SCHEDULE TO THE FOREGOING ORDER.

EXTRA-PAROCHIAL PLACE OF TOXTETH PARK.

Corner of Stanhope and Grafton Streets.

A piece of land on the south side of Stanhope Street and east side of Grafton Street, abutting east on the Liverpool School Board Harrington Schools, and south on the property of the Liverpool Cartage Association, and occupied by five houses or shops and premises in Stanhope Street, eight houses or shops and premises in Grafton Street, and seven houses and premises in No. 5 Court, Grafton Street, together with the whole of all yards and passages, and of No. 5 Court. Area about 1,266 square yards, as the same is described in the plan No. 1, and distinguished by the Nos. 1, 2, 3, 4, 5, 6, 7, 8, 8A, 9, 10, 11, 11A,

12, 12a, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, with all and singular the messuages and tenements and buildings now standing or being thereon, with their appurtenances. A.D. 1894.

PARISH OF WEST DERBY.

Sterne Street.

A piece of land on the east side of Sterne Street, abutting east and south on the Liverpool School Board Butler Street Schools, abutting north on a passage at the back of houses fronting Boaler Street, which land is occupied by 12 houses in Sterne Street, with their yards and premises, and by a passage along the east and south sides thereof. Area about 1,024 square yards as the same is described in the plan No. 2, and distinguished by the Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, with all and singular the messuages and tenements and buildings now standing or being thereon with their appurtenances.

THE SCHOOL BOARD FOR SUTTON, COUNTY OF SURREY.

Provisional Order for putting in force the Lands Clauses Acts.

At the Council Chamber, the 22nd day of March 1894.

WHEREAS the School Board for the Parish of Sutton, in the County of Surrey, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Acts, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order.

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is

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proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

Signed this 22nd day of March 1894.

(Signed) J. W. J. Stephenson,
One of the Assistant Secretaries of the Education Department.

SCHEDULE TO THE FOREGOING ORDER.

A triangular piece of land, situate in the Belmont District of Sutton, Surrey, on the west side of a road called Banstead Road, Sutton, aforesaid, and having a frontage to such road of 130 feet or thereabouts, and bounded on the north by land belonging to the Sutton Local Board, and on the south by land belonging to W. Gibbons, and containing 1 rood, 20 poles, 19 yards, or thereabouts.

THE SCHOOL BOARD FOR WEST HAM, COUNTY OF ESSEX.

Provisional Order for putting in force the Lands Clauses Acts.

At the Council Chamber, the 26th day of February 1894.

Whereas the School Board for West Ham, in the county of Essex, require to purchase certain pieces of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Acts, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the lands so required to be purchased are set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same have been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said lands are situate as to the propriety of the proposed Order:

A.D. 1894.

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them: Provided that if and when the said Board shall have acquired the site K described in such schedule, they shall, before commencing to erect any building on the said site, widen Whalebone Lane on its south side for the entire frontage of that site to the satisfaction of the engineer of the borough of West Ham to the extent of 20 feet measured from the centre of the said lane:

When and so soon as the School Board have acquired all the properties the owners or occupiers whereof have rights of way over Carter Road, Plaistow, the School Board may permanently stop up and discontinue for public or other traffic the said road and all rights of way over and all liabilities to repair the same shall thereupon be absolutely extinguished and the site and soil thereof shall vest in the School Board freed and discharged from such rights and liability.

Signed this 26th day of February 1894.

(Signed) G. Miller,
One of the Assistant Secretaries of the
Education Department

SCHEDULE TO THE FOREGOING ORDER.

Carter Road, Plaistow, Site.

A.—A piece of vacant land on the south side of Queen's Road, Plaistow (situate between Park Road and Carter Road, Plaistow), abutting north on Queen's Road aforesaid, and south on land immediately herein-after described. Area about 20,160 square feet.

B.—A piece of vacant land on the west side of a new road called (or intended to be called) Carter Road, Queen's Road, Plaistow, abutting east on Carter Road aforesaid, and west on the yards or gardens in rear of premises in Park Road, Queen's Road, aforesaid. Area about 45,000 square feet.

C.—A private road or way called or intended to be called Carter Road, leading from Queen's Road aforesaid to St. Mary's Road, Plaistow, and to the land lastly herein-before described, abutting north on Queen's Road aforesaid, and south on St. Mary's Road aforesaid. Area about 20,920 square feet.

D.—A plot of vacant land on the east side of Park Road, Queen's Road, Plaistow, abutting west on Park Road aforesaid, and east on the rear of a portion of the land secondly herein-before described. Area about 1,500 square feet.

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E.—A plot of vacant land on the south side of Queen's Road, Plaistow, abutting north on Queen's Road aforesaid, and south on other vacant land next herein-after described. Area about 7,300 square feet.

F.—A piece of vacant land on the west side of Carter Road, Plaistow, abutting east on Carter Road aforesaid, and west on gardens or yards in the rear of premises in St. Mary's Road, Plaistow. Area about 32,760 square feet.

Tunmarsh Lane, Plaistow, Site.

G.—A piece of vacant land on the south-westerly side of New City Road, Plaistow, abutting north-east on New City Road aforesaid, and south on Tunmarsh Lane, Plaistow. Area about 74,862 square feet.

Knox Road, Forest Gate, Site.

H.—A piece of vacant land on the north side of proposed continuation of Knox Road to Alice Road, Forest Gate, abutting south on proposed new road as aforesaid, and north on a stable mews running at the rear of Belgrave Villas, Romford Road, Forest Gate. Area about 52,172 square feet.

Whalebone Lane, West Ham, Site.

K.—A piece of vacant land on the south side of Whalebone Lane, West Ham, abutting north on Whalebone Lane aforesaid, and south on other vacant land. Area about 65,340 square feet.

Three Mills, West Ham, Site.

L.—A piece of vacant land on the west side of Abbey Lane, West Ham, abutting east on Abbey Lane aforesaid, and west on other vacant land. Area about 65,340 square feet.

Water Lane, Stratford, Site.

N.—A piece of vacant meadow land and garden ground (with gardener's cottage, barn, cowshed, and chicken-house, situate on portion thereof), on the west side of Water Lane, The Green, Stratford, abutting east on Water Lane aforesaid, and west on the rear of the premises herein-after described as being the site of the proposed offices for the board. Area about 101,802 square feet.

O.—A tenement dwelling-house on the south side of Manby Street, Water Lane, Stratford, abutting north on Manby Street aforesaid, and south on a portion of the premises immediately above described. Area about 1,280 square feet.

Site for Board's Offices.

P.—Two dwelling-houses, passage or way adjoining, and range of stabling and sheds at the rear, situate on the east side of The Grove, Stratford,

abutting west on The Grove, Stratford, and east on the meadow land and garden ground in Water Lane, Stratford, above described. Area about 20,829 square feet. A.D. 1894.

THE SCHOOL BOARD FOR WILLESDEN, COUNTY OF MIDDLESEX.

Provisional Order for putting in force the Lands Clauses Acts.

At the Council Chamber the 5th day of March 1894.

Whereas the School Board for Willesden, in the county of Middlesex, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Acts, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

Signed this 5th day of March 1894.

(Signed) J. W. J. Stephenson.
One of the Assistant Secretaries of the
Education Department.

A D. 1894.

SCHEDULE TO THE FOREGOING ORDER.

Parish of Willesden.—A piece of vacant land, bounded on the north-west by land vested in the Official Liquidator of the Conservative Benefit Building Society, on the south-east by Leopold Road, on the north-east by Goodson Road, and on the south-west by Northcote Road, and being plots 136 to 158 (both inclusive) of the estate of the Conservative Benefit Building Society, called the Church Road Estate No. 1. Area about 36,294 square feet.

THE SCHOOL BOARD FOR YORK, COUNTY BOROUGH OF YORK.

Provisional Order for putting in force the Lands Clauses Acts.

At the Council Chamber, the 28th day of April 1894.

Whereas the School Board for York, in the county borough of York, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Acts, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

Signed this 28th day of April 1894.

(Signed) G. Miller,
One of the Assistant Secretaries of the
Education Department.

SCHEDULE TO THE FOREGOING ORDER.

A.D. 1894.

All that piece of land situate in the city of York and at the north-east corner of Micklegate Stray, commonly called Scarcroft, and bounded on the north side by property belonging to Messrs. Pennyman, Bond, Richardson, Brown, Hastings, and Cowper, and the end of Dale Street, on the east side by property belonging to Messrs. Lamb and Preston, and the end of Nunthorpe Road, on the south and west sides by Micklegate Stray. Area about 7,000 square yards.

Elementary Education Provisional Orders Confirmation (Barry, &c.) [H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education Act, 1870, to enable the School Boards for Barry United District, Brotherton, Hornsey, Low Leyton, Liverpool, Sutton (Surrey), West Ham, Willesden, and York, to put in force the Lands Clauses Acts.

(*Brought from the Lords* 10 *July* 1894.)

Ordered, by The House of Commons, *to be Printed*, 10 *July* 1894.

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[Bill 310.]

Employers' Liability Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Liability of employer for personal injury to workman.
2. Employments injurious to health.
3. Sub-contracting.
4. Provisions respecting contracting out beforehand.
5. Contracts in certain cases to be exempted from operation of s. 4.
6. Provision as to employer's contribution to benefit fund in case of action being brought against him.
7. Notice to be given by seamen.
8. Jurisdiction of county courts.
9. Payment of compensation and costs.
10. Application to workmen in employment of Crown.
11. Investment of compensation in Post Office Savings Bank.
12. Definitions.
13. Application to Scotland.
14. Saving for rights independently of Act.
15. Provision as to existing contracts.
16. Repeal of 43 & 44 Vict. c. 42.
17. Commencement.
18. Short title.

A

B I L L

TO

Amend the Law relating to the Liability of Employers for Injuries to their Workmen. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Liability of employer for personal injury to workman.

1.—(1.) Where, after the commencement of this Act, personal injury is caused to a workman by reason of the negligence of any person in the service of the workman's employer, the workman, or, in case of death, his representatives, shall have the same right to compensation and remedies against the employer as if the workman had not been a workman of nor in the service of the employer, nor engaged in his work.

(2.) A workman shall not be deemed to have accepted any risk incident to his employment by reason only of his having entered upon or continued in the employment after he knew of the risk.

Employments injurious to health.

2. Where, after the commencement of this Act, in any employment in which the risk of injury to health can be mitigated or removed by the use of reasonable precautions, the death or temporary or permanent disablement of a workman is caused by the neglect of such reasonable precautions, the workman, or, in case of death, his representatives shall have the same right to compensation and remedies against the employer as in other cases of personal injury due to negligence.

Sub-contracting.

3.—(1.) Where any person in the execution of any work within the scope of his trade or business, and for the purpose of executing such work has occupation of or control over the place or premises in or upon which such work is to be done, he shall be liable to any workman engaged in the execution of the work therein or there-

A.D. 1894.

upon for the negligence in relation thereto of any sub-contractor or workman in the employment of any sub-contractor in the same way as if such sub-contractor or workman were in his own employment.

(2.) Any person liable under this section shall be entitled to indemnity against any other person who would have been liable independently of this section, and any court having jurisdiction to determine any question of liability under this section shall also have jurisdiction to give effect to this indemnity.

Provisions respecting contracting out beforehand.

4. A contract whereby a workman relinquishes any right to compensation to himself or his representatives for personal injury caused to the workman by reason of the negligence of the employer or of any person in the service of the employer, shall not, if made before the accrual of the right, constitute a defence to any action brought for the recovery of such compensation.

Contracts in certain cases to be exempted from operation of s. 4.

5. Subject to the following conditions, if an employer has heretofore made with his workmen, or any of them, a contract whereby the workmen have for valuable consideration deprived themselves of any rights under the Employers' Liability Act, 1880, section four of this Act shall not apply, and that employer, or his successors in business, may make contracts with the workmen at any time hereafter employed by or working for him or them, whereby such workmen may relinquish any right to compensation under this Act.

But such contract shall only be valid—

(1.) If it provide that the employer shall make, so long as the workman continues in his employment, contribution towards such an insurance fund, to which the workman may also contribute, as will provide compensation to such workman, or, in case of death, to his representatives, for every accident occurring in the course of his employment, and if such contribution is regularly paid;

(2.) If a vote by secret ballot of the workmen parties to such contract be taken, and two-thirds of those voting are in favour of such contract. Such vote by ballot shall be taken under the directions and supervision of an inspector to be appointed by the Board of Trade, who shall give their certificate as to the result of such ballot, which certificate shall be binding on all parties. At the request of any number of the workmen that may be deemed adequate, the Board of Trade may order a ballot to be taken at intervals of not less than three years.

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Provision as to employer's contribution to benefit fund in case of action being brought against him.

6. Where an employer has contributed to a fund providing any benefit for a workman or his representatives in case of injury or death, the court, or, where there is a jury, the jury, in assessing the amount of compensation payable to a workman or his representatives in case of injury or death, shall treat as a payment on account of the employer's liability so much of any money which has been or will be paid to the workman or his representatives out of the fund, as is in the opinion of the court or jury attributable to the employer's contribution.

Notice to be given by seamen.

7. A seaman intending to claim compensation for personal injury shall give notice in writing, stating, in ordinary language, the nature of the injury, to the master of the vessel on which he is employed, who shall forthwith enter a copy of the notice received into the official log of the vessel, or to the owner of the vessel, within *three months* from the date of his sustaining such injury, and the action shall be commenced within *three months* of the seaman's arrival at any port of the United Kingdom. Provided always, that if on the hearing of the case the plaintiff can show to the satisfaction of the court that, by reason of the nature of his injury, or otherwise, it was impossible for him to give such notice as aforesaid, the court shall dispense with such notice, and shall hear and decide the case as though such notice had been duly given.

Jurisdiction of county courts.

8.—(1.) Any action against an employer in respect of injury to a workman caused by negligence, whether brought under this Act or not, may be brought in a county court, but, if in any action so brought the amount claimed exceeds *three hundred pounds*, the action shall, on the application of either party, be removed into the High Court, in like manner and on the same conditions as any other action commenced in a county court may by law be so removed, and the costs chargeable by the county court for issuing a summons and plaint or a writ under this Act shall not exceed *five shillings* for a writ or summons, and *ten shillings* for entry and hearing fee.

(2.) In any action to be tried in any county court under this Act any party thereto may require the action to be tried by a jury, and shall obtain such jury by giving notice in writing to the registrar of such county court *five clear days* before the day originally appointed for the trial of such action.

Payment of compensation and costs.

9. Where a plaintiff recovers damages from an employer in respect of negligence, the money shall be paid on his own receipt, and his solicitor or agent shall not be entitled to recover from him

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or to claim a lien upon the amount recovered for any costs beyond the taxed costs of the action, and such further sum, if any, as the judge who tried the cause may certify to have been properly and necessarily expended or earned.

Application to workmen in employment of Crown.

10.—(1.) This Act shall not apply to persons in the naval or military service of the Crown, but, subject as aforesaid, shall apply to a workman in the employment of the Crown in like manner as if the employer of the workman were a private person.

(2.) Where an action is brought under this section in respect of an injury to a workman—

(*a.*) The action may be brought against the Secretary to the Treasury by his official name, and shall not abate by reason of his ceasing to hold office; and

(*b.*) Any compensation awarded shall be paid out of moneys provided by Parliament; and

[See 50 & 51 Vict. c. 67. s. 1.]

(*c.*) Any gratuity or allowance which has been or will be paid out of public money in respect of the injury, or by reason of the workman being incapacitated for service by the injury, shall for the purposes of this Act be treated as a payment on account of the employer's liability.

(3.) The Treasury may, by warrant laid before Parliament, modify for the purposes of this Act the warrant made under section one of the Superannuation Act, 1887, in its application to workmen to whom this section applies.

50 & 51 Vict. c. 67.

Investment of compensation in Post Office Savings Bank.

11.—(1.) Where in any action tried in a county court compensation is awarded in case of the death of a workman for any injury sustained by him, and is payable to or for the benefit of any infant or person under disability, the judge may order such compensation, or any part thereof, to be invested in the Post Office Savings Bank by the registrar in his name as registrar.

(2.) Any sum so ordered to be invested may be accepted by the Postmaster General as a deposit in the name of the registrar as such, and the provisions of any statute or regulations respecting the limits of deposits in savings bank, and the declaration to be made by a depositor, shall not apply to such sums.

(3.) No part of any money invested in the name of the registrar of any county court in the Post Office Savings Bank under this Act shall be paid out to any registrar except upon authority addressed to the Postmaster General by the Treasury or by the judge.

(4.) Any person deriving any benefit under any moneys paid into a Post Office Savings Bank under the provisions of this Act may nevertheless open an account in a Post Office Savings Bank, or in

any other savings bank in his own name, without being liable to any penalties imposed by any statute or regulations in respect of the opening of accounts in two savings banks, or of two accounts in the same savings bank. A.D. 1894.

Definitions.

12. In this Act—

(1.) The expression "workman" includes every person who has entered into or works under a contract of service or apprenticeship with an employer in the United Kingdom or on board a British ship, whether the contract is express or implied, or is oral or in writing, but shall not be deemed to include members of a crew of a fishing vessel where such members, though not part owners, are joint adventurers with the owners;

(2.) The expression "employer" includes a body of persons corporate or unincorporate, and also any person against whom a right of action is given to a workman by this Act, and the representatives of a deceased employer;

(3.) The expression "ship" includes every description of vessel or boat;

(4.) The expression "representatives" means legal personal representatives, and expressions referring to the representatives of a deceased workman shall be construed as including the persons entitled to compensation in case of his death.

Application to Scotland.

13. In the application of this Act to Scotland the following modifications shall be made:

(1.) The expression "county court" shall mean the "sheriff court," and the expression "registrar" shall mean "sheriff clerk."

The word "infant" shall mean "pupil."

Plaintiff shall mean "pursuer," defendant shall mean "defender."

(2.)—(*a.*) Any action by a workman or his representatives against the workman's employer for injury caused to the workman by reason of the negligence of the employer or of any person in the service of the employer, whether brought under this Act or not, shall be brought in the sheriff court;

(*b.*) When the amount claimed exceeds *forty pounds*, either the pursuer or the defender may require that the cause shall be tried by jury in the sheriff court;

(*c.*) The party so requiring shall within *eight days* after the record has been closed, lodge with the sheriff clerk a notice that he desires the cause to be tried by jury, and shall within

A.D. 1894.

the same time send by registered letter, or deliver, a like notice to the agent of the opposite party;

(*d.*) The sheriff clerk shall forthwith lay the process in the cause before the sheriff, and the sheriff shall determine whether the trial shall be with or without issues, and if with issues, he shall order issues to be lodged, and thereafter pronounce an interlocutor settling the same;

(*e.*) It shall be competent for either party to appeal from the sheriff substitute to the sheriff against the form of the issues settled by the sheriff substitute, where issues are ordered, and such appeal shall be taken in the manner and under the conditions provided as to interlocutory appeals by the Sheriff Courts (Scotland) Act, 1876;

(*f.*) The jury shall consist of five common and two special jurors chosen in the manner set forth in section forty-four of the Court of Session Act, 1868, and the sheriff clerk or his deputes shall cite juries for trials under this Act;

A jury may at any time, being not less than an hour after it was enclosed, return a verdict by a majority of its number;

(*g.*) The remuneration of jurors in trials in the sheriff court shall be at the rate of *five shillings* to each juror for each day or part of a day. Such remuneration shall be paid in court immediately on the delivery of the verdict by the losing party's agent, who shall be personally responsible therefor;

(*h.*) It shall be competent to apply for a new trial within ten days from the date of the verdict, and the application shall be made by minute lodged with the sheriff clerk, stating shortly the ground or grounds on which a new trial is sought;

When the case has been tried by the sheriff substitute the application for a new trial may be addressed either to the sheriff principal (whose decision shall be final) or to either division of the Court of Session; and when the case has been tried by the sheriff principal the application shall be addressed to either division of the Court of Session;

Provided always, that when the application is made to the sheriff principal it shall be competent to the respondent in such application to intimate that he insists upon such application being disposed of by the Court of Session; and, upon such intimation being made, the process shall be transmitted as herein-after provided, together with the said application, which shall then be disposed of by the Court of Session.

On receiving an application for a new trial addressed to either division of the Court of Session, the sheriff clerk shall

forthwith transmit the process to such division in the manner in which processes are in use to be transmitted in ordinary appeals against judgments disposing of the merits; A.D. 1894.

It shall not be competent to except to the charge of the presiding sheriff, but any question of law arising upon the evidence may be stated and argued under an application for a new trial; and when such application is made, the sheriff who presided at the trial shall be bound, with as little delay as possible, to hand to the sheriff clerk a note of the direction or directions in law which he gave to the jury, and such note shall form part of the process;

A verdict may be set aside on any ground on which it is competent to set aside a verdict in the Court of Session according to the existing law and practice; provided that a new trial shall not be granted on the ground of erroneous or defective direction, or of the improper admission or rejection of evidence, or of irregularity in the procedure at the trial if in the opinion of the court no substantial wrong or miscarriage has been thereby occasioned; and when a new trial is ordered by the Court of Session, it may be ordered to proceed either in that court or in the sheriff court;

(*i.*) Where the parties consent, the evidence at a jury trial in the sheriff court may be taken down by a shorthand writer in accordance with the ordinary practice of the sheriff court, and the extended notes of the shorthand writer, as certified by him, may be substituted for the sheriff's notes of evidence for all purposes;

(*j.*) In any action of the nature specified in sub-section (2) (*a*), where the sum concluded for exceeds *twenty-five pounds*, the sheriff substitute, or the sheriff, if the cause has been appealed to him, may, on the motion of either party, grant leave to appeal against his judgment disposing of any preliminary plea to the Court of Session, and such court shall thereon hear parties, and may, if they see fit, remit the case to the sheriff court with or without amendment of the record, or may retain the case for trial in the Court of Session, or may dispose of it otherwise as may be just. Such motion for leave to appeal shall be made in writing within *seven days* from the date of the judgment against which appeal is sought and may be disposed of without further hearing;

(3.)—(*a.*) Where the amount claimed exceeds *three hundred pounds*, it shall be lawful for the Court of Session to order the removal into that court of any action commenced in the

A.D. 1894.

sheriff court for compensation to a workman or his representatives for personal injury to the workman by reason of the negligence of his employer or any person in his service, if the Court of Session shall deem it desirable that the action shall be tried in that court, and upon such terms as to payment of costs, giving security, or otherwise as the Court of Session shall think fit to impose;

(*b.*) An action by a workman or his representatives against an employer for negligence brought in the sheriff court, shall not be removed to the Court of Session otherwise than as provided in this section, without prejudice to any right of appeal according to the existing law and practice in cases which have been tried in the sheriff court otherwise than by jury;

(*c.*) Where in an action by a workman or his representatives against an employer for negligence, the pursuer obtains a verdict or decree in the Court of Session for an amount less than *twenty-five pounds*, he shall not be entitled to recover from the defender any expenses in respect of such verdict or decree in excess of the expenses which he would have been entitled to recover if the case had been tried in the sheriff court, unless the judge before whom the action is tried shall certify on the interlocutor sheet that the action was, in his opinion, fit to be tried in the Court of Session.

(4.) The Court of Session may make acts of sederunt for giving effect to this section;

(5.) The sheriff or the Court of Session when any of such actions are pending before that court may conjoin actions arising out of the same occurrence or cause of action though at the instance of different parties or in respect of different injuries.

Saving for rights independently of Act.

14. Nothing in this Act shall prejudicially affect any right or remedy to which a workman is entitled independently of this Act.

Provision as to existing contracts.

15. Any contract existing at the commencement of this Act other than an agreement for assurance against injury within the exception contained in section two whereby a workman relinquishes any right to compensation to himself or his representatives for personal injury caused to the workman by reason of the negligence of the employer, or of any person in the service of the employer shall not, for the purposes of this Act, be deemed to continue after the time at which the workman's contract of service would determine if notice of the determination thereof were given at the commencement of this Act.

16. The Employers' Liability Act, 1880, is hereby repealed as from the commencement of this Act. Repeal of 43 & 44 Vict. c. 42.

17. This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-five.* Commencement.

18. This Act may be cited as the Employers' Liability Act, 1894. Short title.

Employers' Liability.

A

B I L L

To amend the Law relating to the Liability of Employers for Injuries to their Workmen.

(Prepared and brought in by Mr. Seton-Karr, Mr. Walter M'Laren, and Sir William Houldsworth.)

Ordered, by The House of Commons, *to be Printed,* 3 *April* 1894.

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[*Price* 1½*d.*]

[Bill 139.]

A

B I L L

TO

Make better provision for the Equalisation of Rates as between the different parts of London. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Equalisation of sanitary authorities rates by general rate over all London.

1.—(1.) For aiding the equalisation of the rates in London, the London County Council shall in every year form a fund (in this Act called the Equalisation Fund) equal to a rate of *sixpence* in the pound on the rateable value of London according to the valuation lists as they stand on the *sixth day of April* in that year.

(2.) The London County Council shall half-yearly determine the contribution from each parish in London to *one half* of the Equalisation Fund, and the grant due from that one half of the fund to each parish.

(3.) They shall determine the contribution by apportioning the amount of half the Equalisation Fund among the parishes in proportion to their rateable value according to the said valuation lists.

(4.) They shall determine the grant due by apportioning the amount of half the Equalisation Fund among the sanitary districts in proportion to their population, and where a sanitary district comprises two or more parishes by dividing that grant among those parishes in proportion to their population, with this exception, that where the aggregate of the contributions from the parishes in the district is less than the grant apportioned to the district, the difference shall be paid out of the Equalisation Fund to the sanitary authority of the district, and no payment towards any equalisation charge shall be required from any parish in the district.

(5.) Subject as aforesaid, where the contribution from a parish—

(*a*) is less than the grant due, the difference shall be paid out of the Equalisation Fund to the sanitary authority of the district forming or comprising the parish; but

A.D. 1894.

(*b*) if it exceeds the grant due to the parish, the council shall, for the special purpose of meeting the excess, levy on the parish a county contribution (called the equalisation charge) as a separate item of the county rate.

(6.) Every sum paid under this section to a sanitary authority shall be applied in defraying the expenses of the sanitary authority incurred under the Public Health (London) Act, 1891, and so far as not required for that purpose, those incurred in respect of lighting, and so far as not required for that purpose those incurred in respect of streets: Provided that where the district of such sanitary authority comprises two or more parishes, the sum paid shall be apportioned among the parishes in proportion to their population, and the amount so apportioned to each parish shall be credited to the parish in reduction of the rates required from such parish towards the above-mentioned expenses.

54 & 55 Vict. c. 96.

(7.) The account of the Equalisation Fund shall be a separate account of the county fund.

Form of contribution orders, demand notes, and receipts.

2. The Local Government Board shall by order prescribe the forms of contribution orders, precepts, demand notes, and receipts, so far as seems to the Board to be necessary for stating therein as a separate item any equalisation charge, and any credit in respect of an equalisation charge, which affects the sum named therein.

Definitions, commencement of Act, short title.

3.—(1.) In this Act, unless the context otherwise requires,—

The expression "London" means the administrative county of London.

The expression "sanitary authority" has the same meaning as in the Public Health (London) Act, 1891, but does not include the port sanitary authority, and "sanitary district" means the district of any authority as so defined.

54 & 55 Vict. c. 76.

The expression "population" means population according to the last published census for the time being.

(2.) This Act shall come into operation on the *thirtieth day of September one thousand eight hundred and ninety-four*, and the amount of half the Equalisation Fund for the half year beginning on that day shall be equal to *threepence* in the pound on the rateable value of London according to the valuation lists as they stood on the said day.

(3.) This Act may be cited as the London (Equalisation of Rates) Act, 1894.

Equalisation of Rates (London).

A

B I L L

To make better provision for the Equalisation of Rates as between the different parts of London.

(*Prepared and brought in by Mr. Shaw Lefevre, Mr. Chancellor of the Exchequer, Sir Walter Foster, and Mr. Sydney Buxton.*)

Ordered, by The House of Commons, *to be Printed*, 29 *March* 1894.

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[Bill 124.]

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Make better provision for the Equalisation of Rates as between the different parts of London. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Equalisation of sanitary authorities rates by general rate over all London.

1.—(1.) For aiding the equalisation of the rates in London, the London County Council shall in every year form a fund (in this Act called the Equalisation Fund) equal to a rate of sixpence in the pound on the rateable value of London according to the valuation lists as they stand on the sixth day of April in that year.

(2.) The London County Council shall half-yearly determine the contribution from each parish in London to one half of the Equalisation Fund, and the grant due from that one half of the fund to each parish.

(3.) They shall determine the contribution by apportioning the amount of half the Equalisation Fund among the parishes in proportion to their rateable value according to the said valuation lists.

(4.) They shall determine the grant due by apportioning the amount of half the Equalisation Fund among the sanitary districts in proportion to their population, and where a sanitary district comprises two or more parishes by dividing that grant among those parishes in proportion to their population, with this exception, that where the aggregate of the contributions from the parishes in the district is less than the grant apportioned to the district, the difference shall be paid out of the Equalisation Fund to the sanitary authority of the district, and no payment towards any equalisation charge shall be required from any parish in the district.

(5.) Subject as aforesaid, where the contribution from a parish—

(*a*) is less than the grant due, the difference shall be paid out of the Equalisation Fund to the sanitary authority of the district forming or comprising the parish; but

A.D. 1894.

(*b*) if it exceeds the grant due to the parish, the council shall, for the special purpose of meeting the excess, levy on the parish a county contribution (called the equalisation charge) as a separate item of the county rate.

(6.) Every sum paid under this section to a sanitary authority shall be applied in defraying the expenses of the sanitary authority incurred under the Public Health (London) Act, 1891, and so far as not required for that purpose, those incurred in respect of lighting, and so far as not required for that purpose those incurred in respect of streets: Provided that where the district of such sanitary authority comprises two or more parishes, the sum paid shall be apportioned among the parishes in proportion to their population, and the amount so apportioned to each parish shall be credited to the parish in reduction of the rates required from such parish towards the above-mentioned expenses.

54 & 55 Vict. c. 96.

(7.) Every sanitary authority to whom a sum is paid under this Act in any year shall, within the prescribed time after the following thirty-first day of March, tender to the Local Government Board a true account in the prescribed form showing, for the twelve months preceding the said day, the total amount of the sum so paid, and the total amount of the expenses incurred by the authority under each of the following heads:—

(*a*) under the Public Health (London) Act, 1891;

(*b*) in respect of lighting; and

(*c*) in respect of streets;

and showing the amount expended in respect of each head out of the sums paid to such authority under this Act.

(8.) If any sanitary authority is found by the Local Government Board to have made default within the meaning of section one hundred and one of the Public Health (London) Act, 1891, the London County Council shall, if so directed by the Local Government Board, withhold the whole or any part of the grant (if any) next accruing due from the equalisation fund to such sanitary authority.

Any sums which may during any financial year be withheld in accordance with the foregoing enactment shall be carried forward to the credit of the equalisation fund in the following year.

(9.) The account of the Equalisation Fund shall be a separate account of the county fund.

Form of contribution

2. The Local Government Board shall by order prescribe the forms of contribution orders, precepts, demand notes, and receipts,

so far as seems to the Board to be necessary for stating therein as a separate item any equalisation charge, and any credit in respect of an equalisation charge, which affects the sum named therein. orders, demand notes, and receipts.

Definitions, commencement of Act, short title.

3.—(1.) In this Act, unless the context otherwise requires,—

The expression "London" means the administrative county of London.

The expression "sanitary authority" has the same meaning as in the Public Health (London) Act, 1891, but does not include the port sanitary authority, and "sanitary district" means the district of any authority as so defined. 54 & 55 Vict. c. 76.

The expression "population" means population according to the last published census for the time being.

(2.) This Act shall come into operation on the thirtieth day of September one thousand eight hundred and ninety-four, and the amount of half the Equalisation Fund for the half year beginning on that day shall be equal to threepence in the pound on the rateable value of London according to the valuation lists as they stood on the said day.

(3.) This Act may be cited as the London (Equalisation of Rates) Act, 1894.

Equalisation of Rates (London).

B I L L

[AS AMENDED IN COMMITTEE]

To make better provision for the Equalisation of Rates as between the different parts of London.

(*Prepared and brought in by Mr. Shaw Lefevre, Mr. Chancellor of the Exchequer, Sir Walter Foster, and Mr. Sydney Buxton.*)

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[Bill 351.]

Established Church (Wales) Bill.

ARRANGEMENT OF CLAUSES.

Disestablishment.

Clause.

1. Disestablishment and prohibition of future appointments.
2. Ecclesiastical corporations and bishops.

Transfer and Disposition of Property.

3. Transfer of property.
4. Apportionment by Ecclesiastical Commissioners and Queen Anne's Bounty.
5. Private benefactions.
6. Disposition of property by Welsh Commissioners.
7. Provision as to cathedrals and capitular endowments.
8. Disposition of moveable chattels.
9. Application of residue of property transferred.

Welsh Commissioners.

10. Appointment of Commissioners.
11. Powers and procedure of Commissioners.
12. Appeal to the Queen in Council.
13. Provisions as to schemes.

Supplemental Provisions as to Ecclesiastical Law and other Ecclesiastical matters in Wales.

14. Existing laws to subsist as contract.
15. Power to hold synods and constitute representative body.

Supplemental Provisions as to Vested Interests.

16. Provisions as to tithe rentcharge.
17. Power to exchange vested interest for compensation annuity.
18. Compensation to lay patrons.

Clause.
19. Compensation to lay holders of freehold offices.
20. Building charges and dilapidations.
21. Further provisions as to Ecclesiastical Commissioners and Queen Anne's Bounty.

Supplemental Provisions (General).

22. Provision as to trusts.
23. Powers of management and sale.
24. Power to settle differences and make adjustments.
25. Liability for repair of chancel, &c.
26. Delivery up of and access to books and documents.
27. Stamp duty.
28. Borrowing powers.
29. Payments, accounts, and audit.
30. Provisions as to border parishes.
31. Vacancies between passing of Act and date of disestablishment.
32. Definitions.
33. Short title.

SCHEDULES.

A

B I L L

TO

Terminate to the establishment of the Church of England in Wales and Monmouthshire, and to make provision in respect of the Temporalities thereof. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Disestablishment.

Disestablishment and prohibition of future appointments.

1. On the *first day of January one thousand eight hundred and ninety-six* (in this Act referred to as the date of disestablishment), the Church of England, so far as it is established by law in Wales or Monmouthshire (in this Act referred to as the Church in Wales) shall cease to be so established, and save as by this Act provided, no person shall, after the *passing of this Act*, be appointed by Her Majesty or any person, by virtue of any existing right of patronage, to any ecclesiastical office in or connected with the Church in Wales.

Ecclesiastical corporations and bishops.

2.—(1.) On the date of disestablishment every cathedral and ecclesiastical corporation in Wales or Monmouthshire, whether sole or aggregate, shall be dissolved.

(2.) After the date of disestablishment no bishop of the Church in Wales shall be summoned to or be qualified to sit in the House of Lords as such. Provided that—

(*a*) every person who is at the *passing of this Act* a bishop, dean, or archdeacon of the Church in Wales, shall during his life enjoy the same title and precedence as if this Act had not passed; and

A.D. 1894.

(*b*) writs of summons shall be issued to the bishops not disqualified by this enactment for sitting in the House of Lords as if the bishops so disqualified had vacated their seats.

Transfer and Disposition of Property.

Transfer of property.

3. On the date of disestablishment there shall, save as by this Act provided, be transferred to the Welsh Commissioners hereinafter mentioned :—

(*a*) all property vested in the Ecclesiastical Commissioners or Queen Anne's Bounty which is ascertained as herein-after mentioned to be Welsh ecclesiastical property ; and

(*b*) all property not so vested which, at the *passing of this Act*, belongs to or is appropriated to the use of any ecclesiastical office or cathedral corporation in or connected with the church in Wales or the holder of any such office ;

subject, in the case of all such property, to all charges and incumbrances affecting the property, and in the case of all such property, except tithe rentcharge, to the existing interests of all persons who at the *passing of this Act* hold such offices as aforesaid, and in the case of tithe rentcharge, to the obligation to make such provision as is herein-after mentioned in lieu of their existing interests.

Apportionment by Ecclesiastical Commissioners and Queen Anne's Bounty.

4.—(1.) The Ecclesiastical Commissioners and Queen Anne's Bounty respectively shall forthwith after the *passing of this Act* ascertain and by order declare what property vested in them respectively at the *passing of this Act* or under the provisions herein-after contained consists of, or issues out of, or is the produce of, or is or has been derived from, property situate in Wales or Monmouthshire, in whatever manner the same is applied whether in England or in Wales, and that property shall be the Welsh ecclesiastical property for the purposes of this Act.

(2.) They shall also, by order made before the date of disestablishment, allocate the charges on any fund held by them respectively in such manner that the charges for purposes of the Church in Wales, and in particular for bishops, archdeacons, and cathedral corporations of the Church in Wales, shall be borne by the Welsh ecclesiastical property, so far as it is able to bear them, and that that property shall be exonerated from, and the fund wholly charged with, such of the charges as are not allocated on the Welsh ecclesiastical property.

(3.) Orders of the Ecclesiastical Commissioners and Queen Anne's Bounty under this section shall be made with the concurrence of the Welsh Commissioners, and in default of such concurrence

shall require the approval of Her Majesty the Queen in Council given on the advice of the Judicial Committee of the Privy Council. A.D. 1894.

Private benefactions.

5.—(1.) Any property transferred by this Act to the Welsh Commissioners, which consists of, or is the produce of, or is or has been derived from, property given by any private person out of his own resources since the year *one thousand seven hundred and three*, and does not come within the description of a church or ecclesiastical residence for which provision is otherwise made by this Act, shall, for the purposes of this Act, be deemed to be a private benefaction.

(2.) The Welsh Commissioners shall ascertain and by order declare what part of the property transferred to them by this Act constitutes private benefactions within the meaning of this Act, and shall on the request of the representative body herein-after mentioned, vest the same in that body, subject to the charges and incumbrances and interests saved by this Act.

Disposition of property by Welsh Commissioners.

6.—(1.) Subject to the charges and incumbrances and interests saved by this Act, the Welsh Commissioners shall, save as otherwise provided by this Act, by order vest the property transferred to them by this Act, as follows :—

(*a.*) they shall, on the request of the representative body, vest in that body all churches, not being cathedral churches, and all parsonage houses;

(*b.*) they shall vest the burial ground and glebe of any ecclesiastical parish—

(i.) in the case of a rural parish, in the parish council of the parish, or, if there is no parish council, in the chairman and overseers of the parish; and

(ii.) in any other case, in the council of any county borough or district comprising the parish;

Provided that where the ecclesiastical parish comprises parts of more than one parish for civil purposes the property shall be vested, as the Welsh Commissioners may direct, in some one or more of the said councils or bodies, or in trustees on behalf of those councils and bodies jointly;

(*c.*) they shall vest any tithe rentcharge in the county council of the county in which the land out of which the tithe rentcharge issues is situate.

(2.) Every church, parsonage house, burial ground, and glebe vested under this section shall be held subject to all existing public and private rights with respect thereto.

Provision as to cathedrals and capitular endowments.

7.—(1.) The Welsh Commissioners shall out of moneys in their hands in pursuance of this Act maintain and keep in proper repair and condition all cathedral churches transferred to them by this

A.D. 1894.

Act, and all such churches shall continue to be subject to all existing public and private rights with respect thereto, and shall, if and as long as the representative body so request, continue to be used for the same purposes as heretofore.

(2.) The Welsh Commissioners shall on request by the representative body allow any ecclesiastical residence transferred to the Commissioners by this Act, and not being a parsonage house, to be used in connexion with the Church in Wales for the purpose of an ecclesiastical residence, subject to the condition that it be maintained and kept in proper repair and condition by the representative body.

Disposition of moveable chattels.

8.—(1.) All plate, furniture, and other moveable chattels belonging to any church affected by this Act, or used in connexion with the celebration of Divine worship therein, shall vest in the representative body if and when incorporated.

(2.) The Welsh Commissioners shall, on the request of the representative body, vest in that body, subject to the interests saved by this Act, any moveable chattels held and enjoyed by the incumbent for the time being of any office, together with or as incident to the occupation of any ecclesiastical residence affected by this Act.

Application of residue of property transferred.

9.—(1.) Except as otherwise provided by this Act, the Welsh Commissioners shall apply the property transferred to them by this Act as follows:—

(*a*) where the property is attached to a parochial benefice they shall apply it to some one or more of the purposes mentioned in the First Schedule to this Act in accordance with a scheme to be made with their approval by the county council of the county in which the parish is situate, due regard being had to the interests of the parish;

(*b*) they shall apply all other property in the first instance towards payment of the expenses of carrying this Act into execution, and, subject thereto, to some one or more of the purposes mentioned in the said schedule in accordance with schemes to be made by them, so, however, that not less than *two-thirds* of such other property shall be applied towards the promotion of technical and higher education, including the establishment and maintenance of a library, museum, or academy of art for Wales; and for that purpose any part of the property may be vested in or appropriated to the use of the University of Wales or any joint committee of county councils in Wales and Monmouthshire.

Welsh Commissioners.

10.—(1.) The following persons, that is to say, Appointment of Commissioners.

shall be Commissioners under this Act during Her Majesty's pleasure. If any vacancy among them occurs by death, resignation, incapacity, or otherwise, Her Majesty may, by warrant under Her sign manual, appoint some fit person to fill the vacancy.

(2.) The said Commissioners (in this Act referred to as the Welsh Commissioners) shall be a body corporate, styled "The "Commissioners of Church Temporalities in Wales," with a common seal, and power to hold land for the purposes of this Act without licence in mortmain.

(3.) The Welsh Commissioners may act by any one of their body, but if any person aggrieved by an order of one Commissioner so requires the order shall be reconsidered on rehearing by the three Commissioners.

(4.) There shall be paid to the chairman of the Welsh Commissioners such salary, not exceeding *fifteen hundred pounds* a year, and to one other of the Commissioners such salary, not exceeding *one thousand pounds* a year, as the Treasury may direct.

(5.) The Welsh Commissioners may, with the consent of a Secretary of State, and the consent of the Treasury as to number and remuneration, appoint or employ and remove a secretary, and such other officers and persons, and with such remuneration, as appears necessary for enabling the Commissioners to carry this Act into effect.

(6.) The said salaries and remuneration and all incidental expenses sanctioned by the Treasury of carrying this Act into effect shall be paid by the Commissioners out of moneys in their hands in pursuance of this Act.

(7.) The salaries of the Commissioners and the remuneration and number of their officers shall be subject to reconsideration and revision at the expiration of *five years* from the passing of this Act, and of such subsequent intervals as the Treasury may direct, and

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the Commissioners and the persons appointed or employed by them shall not have any right to compensation, superannuation, or other allowance on abolition of office or otherwise.

(8.) A paid Commissioner or a person appointed or employed by the Commissioners shall not during his continuance in office be capable of being elected to or sitting as a member of the House of Commons.

Powers and procedure of Commissioners.

11.—(1.) Subject to such appeal as is herein-after mentioned, the Welsh Commissioners shall have full power to decide all questions, whether of law or of fact, which it may be necessary to decide for the purposes of this Act, and shall not be subject to be restrained in the due execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court.

(2.) The Welsh Commissioners with respect to—

(*a.*) enforcing the attendance of witnesses, after a tender of their expenses, the examination of witnesses, and the production of deeds, books, papers, and documents;

(*b.*) issuing any commission for the examination of witnesses;

(*c.*) punishing persons refusing to give evidence or to produce documents, or guilty of contempt in the presence of the Commissioners or any of them sitting in open court; and

(*d.*) making or enforcing any order made by them for carrying into effect this Act,

shall have all such powers, rights, and privileges as are vested in the High Court for such or the like purposes, and all proceedings before the Commissioners shall in law be judicial proceedings before a court of record.

(3.) The Welsh Commissioners may review and rescind or vary any order or decision previously made by them or any of them; but save as aforesaid, and as by this Act provided, every order or decision of the Welsh Commissioners shall be final.

(4.) They shall make general rules for regulating the procedure under this Act, and generally for securing the due execution of their powers, and giving effect to this Act. All such general rules shall be submitted to Her Majesty the Queen in Council for confirmation, and when so confirmed, with or without modifications, shall be laid before both Houses of Parliament, and shall have effect as if enacted by this Act.

(5.) They shall in each year make a report to a Secretary of State of their proceedings under this Act, and this report shall be laid before Parliament.

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Appeal to the Queen in Council.

12. An appeal shall lie to Her Majesty the Queen in Council against any decision of the Welsh Commissioners with respect to any question as to what constitutes a private benefaction, or as to what sum should be paid under this Act to any person, and any such appeal shall be referred to the Judicial Committee of the Privy Council.

Provisions as to schemes.

13.—(1.) The power to make any scheme under this Act shall include power to amend or supplement any such scheme.

(2.) Every scheme made under this Act shall be submitted to Her Majesty the Queen in Council for confirmation, and when so confirmed, with or without modifications, shall be laid before both Houses of Parliament and shall have effect as if enacted by this Act.

Supplemental Provisions as to Ecclesiastical Law and other Ecclesiastical matters in Wales.

Existing laws to subsist as contract.

14.—(1.) As from the date of disestablishment, the present ecclesiastical law in Wales and Monmouthshire shall cease to exist as law, but that law and the present articles, doctrines, rites, rules, discipline, and ordinances of the Church in Wales (including the present jurisdiction and authority of the Archbishop of Canterbury and the courts of the archbishop), shall, with and subject to such modification or alteration, if any, as after the commencement of this Act may be duly made therein, according to the constitution and regulations for the time being of the Church in Wales, be binding on the members for the time being of that Church in the same manner as if they had mutually agreed to be so bound, and shall be capable of being enforced in the temporal courts in relation to any property which by virtue of this Act is held on behalf of the said Church or any members thereof, in the same manner and to the same extent as if such property had been expressly assured upon trust to be held on behalf of persons who should be so bound.

(2.) Provided that—

(*a.*) No ecclesiastical court or person shall have any coercive jurisdiction, and any right of appeal to the Queen in Council from any such court or person shall cease; and

(*b.*) The said constitution and regulations shall not be enforceable against the Archbishop of Canterbury without his consent,

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and the Archbishop, with the approval of Her Majesty in Council, may give that consent; and

(*c.*) No alteration in the articles, doctrines, rites, or, save so far as may be rendered necessary by the passing of this Act, in the formularies of the Church in Wales shall be so far binding on any ecclesiastical person having any existing interest saved by this Act, as to deprive him of that interest, if he, within *one month* after the making of the alteration, signifies in writing to the representative body his dissent therefrom.

(3.) On the date of disestablishment the bishops and clergy of the Church in Wales shall cease to be members of or be represented in the Houses of Convocation of the Province of Canterbury, but nothing in this Act shall affect the powers of those Houses so far as they relate to matters outside Wales and Monmouthshire.

Power to hold synods and constitute representative body.

15.—(1.) Nothing in any Act, law, or custom shall prevent the bishops, clergy, and laity of the Church in Wales from holding synods or electing representatives thereto, or from framing, either by themselves or by their representatives, elected in such manner as they think fit, constitutions and regulations for the general management and good government of the Church in Wales and the property and affairs thereof, whether as a whole or according to dioceses, and the future representation of members thereof in a general synod or in diocesan synods, or otherwise.

(2.) If at any time it is shown to the satisfaction of Her Majesty the Queen that the said bishops, clergy, and laity have appointed any persons so to represent them, and hold property for any of their uses and purposes, Her Majesty may by charter incorporate such persons (in this Act referred to as the representative body), with power to hold land without licence in mortmain.

Supplemental Provisions as to Vested Interests.

Provisions as to tithe rentcharge.

16.—(1.) Every county council in whom any tithe rentcharge is vested in pursuance of this Act shall pay to the Welsh Commissioners the annual amount, according to the septennial average, of the said tithe rentcharge (after deducting the sum allowed by the Commissioners for cost of collection, rates, and other outgoings other than income tax), or such less amount as may be required by the Welsh Commissioners for the payments to be made by them in pursuance of this Act, and the amount which any such county council are so liable to pay shall be a debt from the council to the Welsh Commissioners, and a charge on the county fund of the county.

(2.) The Welsh Commissioners shall pay to each person who, at the *passing of this Act* has any existing interest in any such tithe rentcharge, in substitution for and in satisfaction of that interest, and as part of the emoluments of his office, the amount payable to them by any county council in respect of the tithe rentcharge.

Power to exchange vested interest for compensation annuity.

17. Any person who at the *passing of this Act* holds an ecclesiastical office affected by this Act may, if he thinks fit, with the consent of the representative body, arrange with the Welsh Commissioners to exchange his existing interest in the emoluments of his office arising from the property transferred to the Welsh Commissioners by this Act for a life compensation annuity calculated in accordance with the Second Schedule to this Act, and thereupon shall vacate his office, but the emoluments aforesaid shall during his life vest in the Welsh Commissioners, and they may apply any part thereof not required for the compensation annuity as if he were dead.

Compensation to lay patrons.

18. The Welsh Commissioners, if application is made to them within *six months* after the passing of this Act by or on behalf of any person who is at that date entitled to any right of patronage to any benefice affected by this Act, shall, on the occurrence of any vacancy in that benefice after that date, pay in compensation for the extinction of that right an amount not exceeding *one year's* emoluments of the benefice taken on an average of the *three years* immediately before that date, with interest at the rate of *three* per cent. per annum from that date.

Provided as follows :—

(1.) Her Majesty shall not, nor shall any corporation, sole or aggregate, dissolved by this Act, nor shall any trustees, officers, or persons acting in a public capacity, be entitled to any payment under this section for or in respect of any right of patronage ; and

(2.) Where any person would, but for the provisions of the statutes affecting Roman Catholics in reference to conformity to the Established Church, have had at the *passing of this Act* any such right of patronage, he shall be entitled to payment therefor in the same manner as if it were then actually vested in him ; and

(3.) A trustee or other person occupying a fiduciary position shall not be bound to make an application under this section.

Compensation to lay holders of freehold offices.

19. If the Welsh Commissioners find that any person who at the *passing of this Act* holds any lay office in or in connexion with the

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church in Wales by freehold tenure or by any tenure which, in the opinion of the Commissioners, is equal to freehold tenure, will be deprived of any emoluments by the operation of this Act, they may pay to that person out of moneys in their hands in pursuance of this Act, such sum by way of compensation, either by a single payment or by a life annuity, as they may, with the consent of the Treasury, determine.

Building charges and dilapidations.

20. (1.)—Where a parsonage house is together with other endowments of a benefice subject to a building charge, the occupier of the parsonage house shall, as between himself and the occupiers or persons in possession of the other portions of the endowments, be primarily liable to payment of the charge.

(2.) Any money payable on the first vacancy after the *passing of this Act* in an ecclesiastical office affected by this Act in respect of dilapidations in an ecclesiastical residence shall be paid to the person or body in whom on such vacancy the residence is vested.

Further provisions as to Ecclesiastical Commissioners and Queen Anne's Bounty.

21. (1.)—The Ecclesiastical Commissioners shall, as soon as may be after the *passing of this Act* and before the date of disestablishment, ascertain and by order declare what property not being vested in them at that date consists of, or issues out of, or is the produce of, or is or has been derived from, property situate in Wales or Monmouthshire, and is at that date applied or applicable to any ecclesiastical purpose in England, but not in Wales or Monmouthshire, and all such property shall as from the date of the order vest in the Ecclesiastical Commissioners, subject to the existing interests therein, and to all charges and incumbrances affecting the property, and the Ecclesiastical Commissioners shall charge their common fund with payments ascertained by them to be equal to the net proceeds of the property so vested. Any order of the Ecclesiastical Commissioners under this provision shall be subject to the like concurrence or approval as an order for allocation of the charges on their common fund.

(2.) An order of the Ecclesiastical Commissioners or Queen Anne's Bounty making any allocation under this Act may make any such adjustments, whether of income or of liabilities, as are incidental to the allocation.

(3.) As from the date of disestablishment, any liability or power of the Ecclesiastical Commissioners or Queen Anne's Bounty to make payments for any ecclesiastical purpose in or connected with the Church in Wales shall cease. Provided that they shall continue

to make such payments as appear to them required for preserving the interests of persons interested in such payments at the *passing of this Act*.

(4.) As from the date of disestablishment first fruits in respect of any subsequent appointment to any ecclesiastical office in or connected with the Church in Wales, and tenths in respect of any such office, shall cease to be payable to Queen Anne's Bounty, and any tenths payable by any person who is at that date the holder of any such office shall, during the continuance of his office, be paid to the Welsh Commissioners or as they may direct.

Supplemental Provisions (General).

Provision as to trusts.

22. Where any ecclesiastical or cathedral corporation dissolved by this Act holds any property in trust for any charitable purpose, the property shall on the dissolution of the corporation vest in the Welsh Commissioners, and the Commissioners shall, on the request of the representative body, vest the property in that body or in persons appointed by them, subject to the trusts affecting the same, and under the same supervision, local, or otherwise, as heretofore, or as near thereto as the circumstances of the case will admit.

Powers of management and sale.

23. The Welsh Commissioners and any local authority shall, with respect to any property vested in them by or under this Act, have power to manage the property and, as incidental thereto, power to sell or exchange any part thereof; but any such power of sale or exchange shall not be exercised without the consent of the Local Government Board.

Power to settle differences and make adjustments.

24. The Welsh Commissioners shall have power to decide any question arising under this Act between different local authorities, and to make any adjustment of rights or liabilities incidental to the distribution of property under this Act among such local authorities.

Liability for repair of chancel, &c.

25. A county council shall not, by reason of being entitled to or receiving any tithe rentcharge under this Act, be liable for the repair of any ecclesiastical building.

Delivery up of and access to books and documents.

26.—(1.) All books and documents relating to any of the property vested in the Welsh Commissioners by this Act, and not in the possession or under the control of the Ecclesiastical Commissioners or of Queen Anne's Bounty, shall, within *three months* next after

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the date of disestablishment, be delivered up to the Welsh Commissioners by the respective registrars of the diocesan or other registries, or other the officers then having the custody or possession of the same respectively, on getting receipts therefor from the Welsh Commissioners.

(2.) The Welsh Commissioners shall preserve the said books and documents, and shall permit reasonable access to the same, and shall hand over to the representative body such of them, if any, as relate exclusively to property to which that body become entitled, and certified copies of such of them as relate to that property jointly with other property.

(3.) The Ecclesiastical Commissioners and Queen Anne's Bounty respectively shall deliver to the Welsh Commissioners any books or documents relating exclusively to the property transferred to the Welsh Commissioners by this Act, and shall permit the Welsh Commissioners and any local authority in whom any such property is vested in pursuance of this Act to have reasonable access to, and to take copies of or extracts from, any books or documents retained by the Ecclesiastical Commissioners or Queen Anne's Bounty, and relating to any property vested in the Welsh Commissioners or in any such local authority.

(4.) The Welsh Commissioners shall lodge in the Public Record Office in London such of the books and documents received by them under this section, and not handed over to the representative body, as may not be required by the Commissioners for the execution of their duties under this Act.

Stamp duty.

27. Every order of the Welsh Commissioners operating as a conveyance or mortgage of any property shall be deemed to be a conveyance or mortgage within the meaning of the Acts relating to stamps, and shall be chargeable with stamp duty accordingly.

Borrowing powers.

28.—(1.) The Welsh Commissioners may, with the consent of the Treasury, borrow such sums of money as they may think expedient for carrying into effect any provision of this Act, and may give as security for the repayment of any sums so borrowed, and the interest thereon, the whole or any part of the property transferred to them by this Act.

(2.) The National Debt Commissioners, if they think fit, with the approval of the Treasury, may, out of any money in their hands under the Acts relating to savings banks, advance to the Welsh Commissioners, with such guarantee as is by this Act authorised (but not otherwise), any money which by this Act the Welsh Commissioners are authorised to borrow.

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(3.) *The Treasury may, if they think fit, guarantee the payment of the principal and interest of all or any part of any money borrowed by the Welsh Commissioners.*

(4.) Any security given by the Welsh Commissioners in pursuance of this Act shall be in such form, and may contain such powers of sale or otherwise, as the Treasury approve, and there shall be certified thereon, in such form and manner as the Treasury direct, any guarantee given by the Treasury.

(5.) *For giving effect to the guarantee aforesaid, the Treasury, in aid of any money applicable under this Act for payment of principal and interest for the time being accrued due in respect of any money borrowed by the Welsh Commissioners in pursuance of this Act, may cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, such sums as may be necessary for payment of the said principal and interest, or of any part thereof respectively.*

(6.) If any money is at any time issued out of the Consolidated Fund in pursuance of the guarantee aforesaid, the Treasury shall cause the same to be repaid to the Consolidated Fund out of the funds in the hands of the Welsh Commissioners.

Payments, accounts, and audit.

29.—(1.) All money payable to the Welsh Commissioners under or by reason of this Act shall be paid into such bank and be invested in such manner as the Treasury direct.

(2.) At the end of every financial year accounts of the receipts and expenditure of the Welsh Commissioners, both of capital and of income, shall be made up in such form and with such particulars as the Treasury may direct, and shall be audited by the Controller and Auditor General as public accounts in accordance with such regulations as the Treasury may make, and shall be laid before Parliament, together with his report thereupon.

(3.) The expense of such audit shall be part of the expenses of carrying this Act into execution, and be defrayed by the Welsh Commissioners accordingly.

Provisions as to border parishes.

30.—(1.) The Welsh Commissioners shall, with respect to any ecclesiastical parish part only whereof is situate in Wales or Monmouthshire, determine by order with reference to the population of that part, and the situation of the parish church, and the other circumstances of the case, whether the parish is to be treated as being wholly within or wholly without Wales or Monmouthshire, and the parish shall for the purposes of this Act be treated accordingly, but any parishioner of the parish may appeal against any such order to Her Majesty the Queen in Council, and any such appeal shall be referred to the Judicial Committee of the Privy Council.

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(2.) The Ecclesiastical Commissioners shall attach to an English diocese any ecclesiastical parish which at the *passing of this Act* is situate in a Welsh diocese, but not in Wales or Monmouthshire, and any ecclesiastical parish which under this section is to be treated as being wholly without Wales or Monmouthshire, and may make any provisions necessary or incidental to such attachment.

(3.) Any ecclesiastical parish which is at the *passing of this Act* situate wholly in Wales or Monmouthshire, or is for the purposes of this Act to be treated as so situate, shall, as from the date of disestablishment cease to be part of an English diocese, but save as by this section provided nothing in this Act shall affect any English diocese.

Vacancies between passing of Act and date of disestablishment.

31. If any vacancy occurs in any ecclesiastical office in or connected with the Church in Wales, between the *passing of this Act* and the date of disestablishment—

(1.) Her Majesty the Queen may in the case of a vacant bishopric, on the petition of the Archbishop of Canterbury, or of any three Welsh bishops, fill the vacancy; but any bishop so appointed shall not be summoned to or be qualified to sit in the House of Lords, and shall be subject to the provisions herein-after mentioned:

(2.) Any other vacancy may be filled by the same person as if this Act had not passed, but the person so appointed shall be subject to the provisions herein-after mentioned:

(3.) A person appointed to any office in pursuance of this section shall not be liable to pay any first fruits in respect of appointment to the office, or any tenths in respect of the office, but his interest shall not be an existing interest within the meaning of this Act.

Definitions.

32. In this Act, unless the context otherwise requires,—

The expression "ecclesiastical office" means any bishopric, ecclesiastical dignity, or preferment within the meaning of the Church Discipline Act, 1840, and includes any lay office in connexion therewith:

3 & 4 Vict. c. 86.

The expression "ecclesiastical person" means a bishop and the holder of any ecclesiastical office who is in holy orders:

The expression "right of patronage" includes any advowson, right of presentation, or right of nomination to an ecclesiastical office:

The expression "synod" includes any assembly or convention:

The expression "property" includes all property, real and personal, including things in action and rights of action; and where any property is held in trust for or for the benefit of the holder of any ecclesiastical office, or for any cathedral

or ecclesiastical corporation, that property shall be deemed for the purposes of this Act to belong to that office or corporation:

The expression "house" includes any curtilage or garden appurtenant to the house:

The expression "ecclesiastical residence" means any parsonage house and any house of residence of any bishop or member of a cathedral corporation:

The expression "cathedral corporation" means any dean and chapter, and also any corporation of minor canons, or vicars choral, or any other subordinate corporation of or belonging to or connected with any cathedral or collegiate church in Wales.

33. This Act may be cited as the Welsh Church Act, 1894. Short title.

FIRST SCHEDULE.

The erection or support of cottage or other hospitals, or dispensaries, or convalescent homes.

The provision of trained nurses for the sick poor.

The foundation and maintenance of public parish or district halls, institutes, and libraries.

The provision of labourers' dwellings to be let at reasonable rents, and allotments.

Technical and higher education, including the establishment and maintenance of a library, museum, or academy of art for Wales.

Any other public purpose of local or general utility for which provision is not made by Statute out of public rates.

SECOND SCHEDULE.

Rules as to Compensation Annuity.

Where the compensated holder is at the time of application of the age of *fifty years* or upwards the compensation annuity shall not exceed *three-fourths* of the average net emoluments of his office arising from property transferred to the Welsh Commissioners by this Act during the *seven years* immediately preceding the application.

Where the compensated holder is less than fifty years of age a deduction of *one-fiftieth* shall be made from the said three-fourths for every year that is wanting to make up his age to fifty years.

Established Church (Wales).

A

B I L L

To terminate the establishment of the Church of England in Wales and Monmouthshire, and to make provision in respect of the Temporalities thereof.

(*Prepared and brought in by Mr. Secretary Asquith, Mr. Chancellor of the Exchequer, Mr. Bryce, and Mr. Solicitor General.*)

Ordered, by The House of Commons, *to be Printed*, 30 *April* 1894.

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[Bill 205.]

Evicted Tenants (Ireland) Arbitration Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Application by tenant to Arbitrators and procedure thereon, where landlord remains in occupation.
2. Requirement by landlord that tenant should purchase holding.
3. Application by tenant to Arbitrators, and procedure thereon where a new tenant is in occupation of the holding.
4. Provisions as to arrears of rent and costs and repair of house.
5. Provision of funds for Arbitrators.
6. Appointment, constitution, and payment of Arbitrators.
7. Definitions.
8. Commencement of Act and short title.

SCHEDULE.

A

B I L L

TO

Facilitate and make provision for the Restoration of Evicted Tenants to their Holdings in Ireland.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Application by tenant to Arbitrators and procedure thereon, where landlord remains in occupation. [*See* 54 & 55 Vict. c. 48. s. 13.]

1.—(1.) Where the tenancy of a holding in Ireland has been determined since the first day of May, one thousand eight hundred and seventy-nine, the former tenant of such holding, or his personal representative, may within *one year* after the commencement of this Act, petition the Arbitrators under this Act to be reinstated as tenant of the holding.

(2.) If in the opinion of the Arbitrators the petition shows that the landlord is in occupation of the holding, and that there is a primâ facie case for reinstatement owing to the circumstances of the district or the circumstances under which the eviction took place or some other cause appearing to them sufficient, they may make a conditional order for such reinstatement; and the order shall be served in the prescribed manner on the landlord, and unless the landlord within the prescribed time after the service shows cause against the order, the Arbitrators may make the order absolute.

[*See* 44 & 45 Vict. c. 49. s. 9.]

(3.) If the landlord so shows cause the Arbitrators shall hear the parties, and after consideration of the question whether the conduct of either landlord or tenant has been unreasonable, or whether the one has unreasonably refused any proposal made by the other, may dismiss the petition or make the order absolute subject or not to conditions to be performed by either landlord or tenant, and

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generally may make such order in the matter as the Arbitrators may think most consistent with justice.

(4.) On an order being made absolute, the petitioner, subject to any conditions in the order, shall become, as from the date of the order being made absolute, the holder of a present tenancy in the holding, and the Arbitrators may order the sheriff to put the petitioner into possession of the holding.

[*See* 21 & 22 Vict. c. 72. s. 63.]

(5.) The rent of the holding shall be the former rent, subject to a fair rent being fixed in pursuance of the Land Law (Ireland) Act, 1881, and the holder shall have the like right as other holders of present tenancies to have a fair rent fixed; provided that if the landlord and the petitioner consent, the Arbitrators may fix what is the fair rent of the holding, and the rent so fixed shall be the judicial rent of the holding, as if it had been fixed by the Irish Land Commission.

44 & 45 Vict. c. 49.

Requirement by landlord that tenant should purchase holding.

2.—(1.) If the landlord, within the prescribed time, by written notice requires the petitioner to purchase the holding referred to in the petition, the Arbitrators, after due inquiry, may by a conditional order fix the amount of the purchase money; and unless within the prescribed time the petitioner refuses to purchase for that amount, the Arbitrators shall make the said order absolute.

(2.) If the petitioner so refuses to purchase he shall forfeit all claim to be reinstated, and his petition shall be dismissed.

(3.) Upon the order being made absolute, the Arbitrators shall take proceedings for vesting the holding in the petitioner charged with a purchase annuity, and for all matters necessary for carrying into effect the purchase, as if they were the Land Commission and the order was an agreement for a purchase, and upon the requisition of the Arbitrators a sum of guaranteed land stock equal in nominal amount to such purchase money shall be issued accordingly, and the Purchase of Land (Ireland) Act, 1891, and the Land Purchase Acts therein defined, shall apply as if they were herein re-enacted, and in terms made applicable to the Arbitrators, and to the purposes of this section, and the Treasury may make rules for defining the portions of the Acts so to apply, and the adaptations necessary for such application and for carrying this section into effect:

Provided that—

See 54 & 55 Vict. c. 48. s.13(3).

(*a*) the Arbitrators if of opinion that the holding would be sufficient security for the advance but for its having become temporarily deteriorated in value, may make the advance, upon the purchaser providing such security as they may deem

sufficient to meet any risk arising from such temporary deterioration;

(*b*) a guarantee deposit shall not be retained out of the guaranteed land stock issued for the advance of the purchase money;

(*c*) the purchase annuity shall be payable to and be collected by the Land Commission in like manner as any other purchase annuity.

Application by tenant to Arbitrators, and procedure thereon where a new tenant is in occupation of the holding.

3. Where the holding referred to in a petition is in the occupation not of the landlord but of a "new tenant," that is to say, of some other person under a tenancy created before the *passing of this Act* and subsequent to the determination of the former tenancy, the Arbitrators shall have, in relation to the holding, all the powers of the foregoing provisions of this Act, subject as follows:—

(*a*) the new tenant shall be served in the prescribed manner with the petition and with notice that he may, within the prescribed time, object to an order for reinstatement;

(*b*) if the new tenant objects to an order for reinstatement, the Arbitrators shall not make the order;

(*c*) if the new tenant does not object to an order, the Arbitrators, before making an order absolute, shall determine whether any and what sum is to be paid to the new tenant in consideration of the reinstatement of the petitioner, and shall be satisfied that that sum has been paid or duly secured to the new tenant in such manner as they direct, and if they think fit they may grant *one half* of such sum out of moneys at their disposal for the purposes of this Act.

Provisions as to arrears of rent and costs or repair of house.

4.—(1.) The arbitrators when making absolute an order for the reinstatement of a petitioner in a holding, or fixing the price for the purchase of a holding, shall consider whether it is just that any sum should be paid to the landlord on account of arrears of rent or of costs in connexion with the holding, and may fix the sum to be so paid, not exceeding a sum equal to the amount of *two years'* former rent of the holding, and may direct how such sum is to be paid to the landlord; and, if they think fit, may grant *one half* of such sum out of the moneys at their disposal for the purposes of this Act.

(2.) If, owing to the destruction or dilapidation of the house on the holding, it seems expedient to the Arbitrators that a free grant should be made to assist the petitioner in rebuilding or repairing such house, they may grant to the petitioner for that purpose a sum not exceeding *fifty pounds* out of the moneys at their disposal for the purposes of this Act.

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Provision of funds for Arbitrators.

5.—(1.) For the purposes of the preceding sections of this Act, the sum of *one hundred thousand* pounds shall be charged on the Irish Church Temporalities Fund, and placed at the disposal of the arbitrators for the purposes of this Act.

44 & 45 Vict. c. 71.

(2.) The Irish Land Commission shall when required by the Lord Lieutenant, pay out of the Irish Church Temporalities Fund to the Arbitrators, sums not exceeding in the aggregate the sum above mentioned, and may with the consent of Treasury borrow the whole or any part of such sum on the security of the said fund.

32 & 33 Vict. c. 42.
44 & 45 Vict. 71.

(3.) Sections fifty-nine to sixty-four of the Irish Church Act, 1869, as amended by the Irish Church Act Amendment Act, 1881, shall apply in like manner as if the provisions of this Act were the provisions referred to in those sections; *and the advances may be guaranteed by the Treasury, and the sums required to meet the guarantee shall be charged on the Consolidated Fund accordingly.*

Appointment, constitution, and payment of Arbitrators.]*See* 32 & 33 Vict. c. 42. s. 6; 48 & 49 Vict. c. 73. s. 17.]

6.—(1.) The following persons, that is to say :—

and

and

shall be Arbitrators under this Act; they shall hold office for *two years* from the commencement of this Act, and if any vacancy occurs in the office of any Arbitrator by death, resignation, or incapacity, or otherwise, Her Majesty may by warrant under the Royal Sign Manual appoint some other fit person to fill the vacancy, who shall hold office only for the same period as the vacating Arbitrator would have held it.

(2.) The Arbitrators shall have a seal, and their acts shall be signified under that seal, authenticated by the signature of the Arbitrators, or one of them, and judicial notice shall be taken in all courts of such seal, and any order or other instrument purporting to be sealed therewith shall be received as evidence without further proof.

(3.) There shall be paid as from the date of his appointment to any Arbitrator who is not a judge of the Supreme Court or or is otherwise receiving a higher salary out of the Consolidated

Fund or moneys voted by Parliament, a salary not exceeding together with any salary so received by him *two thousand pounds.*

(4.) The Arbitrators may, with the consent of the Lord Lieutenant, appoint, employ, and remove such officers and persons as, with the consent of the Treasury, are considered necessary for the purposes of this Act:

Provided that, subject to the regulations of the Treasury, they shall employ the examiners and valuers of the Land Commission who shall perform the duties in accordance with the said regulations.

(5.) There shall be paid to the persons employed by the Arbitrators who are not in receipt of a salary from the Land Commission such remuneration as may be assigned by the Treasury.

(6.) *The said salaries and remuneration, and all expenses incurred by the Arbitrators in carrying this Act into effect, not otherwise provided for as above mentioned, shall be paid out of moneys provided by Parliament.*

(7.) The enactments mentioned in the schedule to this Act shall be incorporated with this Act and apply to the Arbitrators as if they were herein re-enacted, and in terms made applicable to those Arbitrators.

Definitions.

7. In this Act, unless the context otherwise requires,—

The expression "landlord" means a landlord within the meaning of the Purchase of Land (Ireland) Act, 1891, and the Land Purchase Acts therein defined, and includes the successor in title of the person who was landlord at the determination of a tenancy.

The expressions "holding," "present tenancy," and "fair rent" have the same meaning as in the Land Law (Ireland) Act, 1881. 44 & 45 Vict. c. 49.

The expression "prescribed" means prescribed by rules made by the Arbitrators, with the approval of the Privy Council, in pursuance of the enactments incorporated in this Act.

The expression "Irish Church Temporalities Fund" means the fund under the control of the Land Commission by virtue of the Irish Church Act Amendment Act, 1881. 44 & 45 Vict. c. 71.

Commencement of Act and short title.

8. This Act shall come into operation on the *first day of November* next after the passing thereof.

This Act may be cited as the Evicted Tenants (Arbitration) Act, 1894.

A.D. 1894.

SCHEDULE.

ACTS APPLIED.

Session and Chapter.	Short Title.	Enactments applied.
32 & 33 Vict. c. 42. -	Irish Church Act, 1869 -	Section four, section seven, and section eight.
44 & 45 Vict. c. 49. -	Land Law (Ireland) Act, 1881.	Sections fifty-three to fifty-six.
48 & 49 Vict. c. 73. -	Purchase of Land (Ireland) Act, 1885.	The last sub-section of section seventeen, and section eighteen.

Evicted Tenants (Ireland) Arbitration.

A

B I L L

To facilitate and make provision for the Restoration of Evicted Tenants to their Holdings in Ireland.

(Prepared and brought in by Mr. John Morley and Mr. Solicitor General.)

Ordered, by The House of Commons, *to be Printed,* 19 *April* 1894.

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[*Price* 1*d.*]

[Bill 176.]

Evicted Tenants (Ireland) Arbitration Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Application by tenant to Arbitrators and procedure thereon, where landlord remains in occupation.
2. Requirement by landlord that tenant should purchase holding.
3. Application by tenant to Arbitrators, and procedure thereon where a new tenant is in occupation of the holding.
4. Provisions as to arrears of rent and costs and repair of house.
5. Provision of funds for Arbitrators.
6. Appointment, constitution, and payment of Arbitrators.
7. Definitions.
8. Commencement of Act and short title.

SCHEDULE.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Facilitate and make provision for the Restoration to their Holdings in Ireland of certain former Tenants or their Personal Representatives. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Application by tenant to Arbitrators and procedure thereon, where landlord remains in occupation. [*See* 54 & 55 Vict. c. 48. s. 13.]

1.—(1.) Where the tenancy of a holding in Ireland has been determined since the first day of May, one thousand eight hundred and seventy-nine, the former tenant of such holding, or his personal representative, not being an administrator who has obtained letters of administration as a creditor, may within one year after the commencement of this Act, petition the Arbitrators under this Act to be reinstated as tenant of the holding.

(2.) If in the opinion of the Arbitrators the petition shows that the landlord is or was on the nineteenth day of April one thousand eight hundred and ninety-four in occupation of the holding, and that there is a primâ facie case for reinstatement owing to the circumstances of the district or the circumstances under which the determination of the tenancy took place or some other cause appearing to them sufficient, they may make a conditional order for such reinstatement; and the order shall be served in the prescribed manner on the landlord, and unless the landlord within the prescribed time after the service shows cause against the order, the Arbitrators may make the order absolute, subject or not to conditions to be performed by the tenant.

[*See* 44 & 45 Vict. c. 49. s. 9.]

(3.) If the landlord so shows cause the Arbitrators shall hear the parties, and after consideration of the question whether the conduct of either landlord or tenant has been unreasonable, or whether

A.D. 1894.

the one has unreasonably refused any proposal made by the other, and after consideration of all the circumstances of the case, may dismiss the petition or make the order absolute subject or not to conditions to be performed by the tenant, and generally may make such order in the matter as the Arbitrators may think most consistent with justice.

(4.) On an order being made absolute, the petitioner, subject to any conditions in the order, shall, as from the date of the order being made absolute, or any other date fixed by the Arbitrators, be restored to a tenancy in the holding of the same kind as before the determination of his tenancy, and the Arbitrators may order the sheriff to put the petitioner into possession of the holding and such order shall be executed by the sheriff in like manner as a writ for the delivery of possession.

[*See* 21 & 22 Vict. c. 72. s. 63.]

(5.) The rent of the holding shall be the former rent, until a new rent is fixed, and where the tenancy was determined before the passing of the Land Law (Ireland) Act, 1881, or before the determination thereof was a present tenancy, whether subject or not to a statutory term, the landlord or tenant may apply to the Land Commission to have a fair rent fixed, in pursuance of the Land Law (Ireland) Act, 1881, and the Acts incorporating or amending the same, in so far as the said Acts admit of a fair rent being fixed in respect of such a tenancy, and the holding shall, upon the fair rent being fixed, be subject to the provisions of the said Acts applicable to a present tenancy; provided that if the landlord and the petitioner consent, the Arbitrators may fix what is the fair rent of the holding, and the rent so fixed shall be the judicial rent of the holding, as if it had been fixed by the Irish Land Commission, and the order fixing the rent shall be communicated by the Arbitrators to the Irish Land Commission and seconded by them.

44 & 45 Vict. c. 49.

Requirement by landlord that tenant should purchase holding.

2.—(1.) If the landlord, within the prescribed time, by written notice requires the petitioner to purchase the holding referred to in the petition, the Arbitrators, after due inquiry, may by a conditional order fix the amount of the purchase money; and unless within the prescribed time the petitioner refuses to purchase for that amount, the Arbitrators shall make the said order absolute.

(2.) If the petitioner so refuses to purchase he shall forfeit all claim to be reinstated, and his petition shall be dismissed.

(3.) Upon the order being made absolute, the Arbitrators shall take proceedings for vesting the holding in the petitioner charged with a purchase annuity, and for all matters necessary for carrying into effect the purchase, as if they were the Land Commis-

A.D. 1894.

sion and the order was an agreement for a purchase, and upon the requisition of the Arbitrators a sum of guaranteed land stock equal in nominal amount to such purchase money shall be issued accordingly, and the Purchase of Land (Ireland) Act, 1891, and the Land Purchase Acts therein defined, shall apply as if they were herein re-enacted, and in terms made applicable to the Arbitrators, and to the purposes of this section, and the Treasury may make rules for defining the portions of the Acts so to apply, and the adaptations necessary for such application and for carrying this section into effect:

Provided that—

(*a*) the Arbitrators if of opinion that the holding would be sufficient security for the advance but for its having become temporarily deteriorated in value, may make the advance, upon the purchaser providing such security as they may deem sufficient to meet any risk arising from such temporary deterioration; *See* 54 & 55 Vict. c. 48. s. 13(3).

(*b*) a guarantee deposit shall not be retained out of the guaranteed land stock issued for the advance of the purchase money; but the payment of all sums which otherwise would have been payable out of the guarantee deposit shall be guaranteed by the Irish Church Temporalities Fund, and shall be payable out of any surplus of that fund not heretofore appropriated, and be applied as if they were payments out of the guarantee deposit;

(*c*) the purchase annuity shall be payable to and be collected by the Land Commission in like manner as any other purchase annuity.

Application by tenant to Arbitrators, and procedure thereon where a new tenant is in occupation of the holding.

3. Where the holding referred to in a petition is, in the opinion of the Arbitrators, in the occupation not of the landlord but of a "new tenant," that is to say, of some other person under a tenancy bonâ fide created before the nineteenth day of April one thousand eight hundred and ninety-four, and subsequent to the determination of the former tenancy, all the foregoing provisions of this Act, shall apply subject as follows:—

(*a*) the new tenant shall be served in the prescribed manner with the petition and with notice that he may, within the prescribed time, object to an order for reinstatement;

(*b*) if the new tenant objects to an order for reinstatement, the Arbitrators shall not make the order;

(*c*) if the new tenant does not object to an order, the Arbitrators, before making an order absolute, shall determine whether any and what sum is to be paid to the new tenant in con-

A.D. 1894.

sideration of the reinstatement of the petitioner, and shall be satisfied that that sum has been paid or duly secured to the new tenant in such manner as they direct, and if they think fit they may grant one half of such sum out of moneys at their disposal for the purposes of this Act.

Provisions as to arrears of rent and costs or repair of house.

4.—(1.) The arbitrators when making absolute an order for the reinstatement of a petitioner in a holding, or fixing the price for the purchase of a holding, shall consider whether it is just that any sum should be paid to the landlord on account of arrears of rent or of costs in connexion with the holding, and may fix the sum to be so paid, not exceeding a sum equal to the amount of two years' former rent of the holding, and may direct how such sum is to be paid to the landlord; and, if they think fit, may grant one half of such sum out of the moneys at their disposal for the purposes of this Act, except as respects any sum so to be paid the landlord shall not, after an absolute order for a reinstatement is made, have any claim on account of arrears of rent or of costs in connexion with the holding.

(2.) If, owing to the destruction or dilapidation of the buildings on the holding, it seems expedient to the Arbitrators that a free grant should be made to assist the petitioner in rebuilding or repairing such buildings, they may grant to the petitioner for that purpose a sum not exceeding fifty pounds out of the moneys at their disposal for the purposes of this Act.

Provision of funds for Arbitrators.

5.—(1.) For the purposes of the preceding sections of this Act, the sum of two hundred and fifty thousand pounds shall be charged on the Irish Church Temporalities Fund, and placed at the disposal of the Arbitrators for the purposes of this Act.

44 & 45 Vict. c. 71.

(2.) The Irish Land Commission shall when required by the Lord Lieutenant, pay out of the Irish Church Temporalities Fund to the Arbitrators, sums not exceeding in the aggregate the sum above mentioned, and may with the consent of Treasury borrow the whole or any part of such sum on the security of the said fund.

32 & 33 Vict. c. 42.
44 & 45 Vict. c. 71.

(3.) Sections fifty-nine to sixty-four of the Irish Church Act, 1869, as amended by the Irish Church Act Amendment Act, 1881, shall apply in like manner as if the provisions of this Act were the provisions referred to in those sections; and the advances may be guaranteed by the Treasury, and the sums required to meet the guarantee shall be charged on the Consolidated Fund accordingly.

Appointment, constitution, and

6.—(1.) The following persons, that is to say: Piers Francis White, one of Her Majesty's Counsel, Dublin; George Fottrell, solicitor, clerk of the Crown for the county and city of Dublin; and

Edward Greer, solicitor, legal Assistant Commissioner to the Irish Land Commission, shall be Arbitrators under this Act; they shall hold office for *two years* from the commencement of this Act, and if any vacancy occurs in the office of any Arbitrator by death, resignation, or incapacity, or otherwise, Her Majesty may by warrant under the Royal Sign Manual appoint some other fit person to fill the vacancy, who shall hold office only for the same period as the vacating Arbitrator would have held it.

A.D. 1894.

payment of Arbitrators.

[*See* 32 & 33 Vict. c. 42. s. 6; 48 & 49 Vict. c. 73. s. 17.]

(2.) The Arbitrators shall have a seal, and their acts shall be signified under that seal, authenticated by the signature of the Arbitrators, or one of them, and judicial notice shall be taken in all courts of such seal, and any order or other instrument purporting to be sealed therewith shall be received as evidence without further proof.

(3.) There shall be paid as from the date of his appointment to any Arbitrator who is not a judge of the Supreme Court or otherwise receiving a higher salary out of the Consolidated Fund or moneys voted by Parliament, a salary not exceeding together with any salary so received by him two thousand pounds.

(4.) The Arbitrators may, with the consent of the Lord Lieutenant, appoint, employ, and remove such officers and persons as, with the consent of the Treasury, are considered necessary for the purposes of this Act:

Provided that, subject to the regulations of the Treasury, they shall employ the examiners and valuers of the Land Commission who shall perform the duties in accordance with the said regulations.

(5.) There shall be paid to the persons employed by the Arbitrators who are not in receipt of a salary from the Land Commission such remuneration as may be assigned by the Treasury.

(6.) The said salaries and remuneration, and all expenses incurred by the Arbitrators in carrying this Act into effect, not otherwise provided for as above mentioned, shall be paid out of moneys provided by Parliament.

(7.) The enactments mentioned in the schedule to this Act shall be incorporated with this Act and apply to the Arbitrators as if they were herein re-enacted, and in terms made applicable to those Arbitrators.

Application of Act.

7.—(1.) Where it appears to the Arbitrators that the tenancy in a holding is held for the landlord, or that a person is in occupation of the holding as the nominee of the landlord, they shall deal with the tenancy, and this Act shall apply in like manner as if the tenancy had been determined and the holding were in the occupation of the landlord.

A.D. 1894.

(2) Where it appears to the Arbitrators that part of a holding is in the occupation of the landlord and part in the occupation of a new tenant, they shall deal with each part, and this Act shall apply in like manner as if each part were a separate holding, and the former rent of each part were such portion of the former rent of the whole holding as the Arbitrators fix.

Definitions.

8. In this Act, unless the context otherwise requires,—

The expression "landlord" means a landlord within the meaning of the Purchase of Land (Ireland) Act, 1891, and the Land Purchase Acts therein defined, and includes the successor in title of the person who was landlord at the determination of a tenancy.

The expressions "holding," "present tenancy," and "fair rent" have the same meaning as in the Land Law (Ireland) Act, 1881.

44 & 45 Vict. c. 49.

The expression "prescribed" means prescribed by rules made by the Arbitrators, with the approval of the Privy Council, in pursuance of the enactments incorporated in this Act.

The expression "Irish Church Temporalities Fund" means the fund under the control of the Land Commission by virtue of the Irish Church Act Amendment Act, 1881.

44 & 45 Vict. c. 71.

Commencement of Act and short title.

9. This Act shall come into operation on the first day of November next after the passing thereof.

This Act may be cited as the Tenants (Arbitration) Ireland Act, 1894.

SCHEDULE.

Acts applied.

Session and Chapter.	Short Title.	Enactments applied.
32 & 33 Vict. c. 42. -	Irish Church Act, 1869 -	Section four, section seven, and section eight.
44 & 45 Vict. c. 49. -	Land Law (Ireland) Act, 1881.	Sections fifty-three to fifty-six.
48 & 49 Vict. c. 73. -	Purchase of Land (Ireland) Act, 1885.	The last sub-section of section seventeen, and section eighteen.

Evicted Tenants (Ireland) Arbitration.

A

B I L L

[AS AMENDED IN COMMITTEE]

To facilitate and make provision for the Restoration to their Holdings in Ireland of certain former Tenants or their personal Representatives.

(*Prepared and brought in by Mr. John Morley and Mr. Solicitor General.*)

Ordered, by The House of Commons, *to be Printed*, 2 *August* 1894.

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[*Price* 1½*d.*]

[Bill 346.]

[To be substituted for Bill previously delivered.]

A

B I L L

To continue various Expiring Laws. A.D. 1894.

WHEREAS the Acts mentioned in Part I. of the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December one thousand eight hundred and ninety-four:

And whereas the Act mentioned in Part II. of the Schedule to this Act is, to the extent aforesaid, limited to expire on the thirty-first day of March one thousand eight hundred and ninety-five:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Continuance of Acts in Schedule.

1.—(1.) The Acts mentioned in Part I. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the *thirty-first day of December one thousand eight hundred and ninety-five*, and shall then expire, unless further continued.

(2.) The Act mentioned in Part II. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the *thirty-first day of March one thousand eight hundred and ninety-six*, and shall then expire, unless further continued.

(3.) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

Short title.

2. This Act may be cited as the Expiring Laws Continuance Act, 1894.

A.D. 1894.

SCHEDULE.

Part I.

1. Session and Chapter.	2. Title or Short Title.	3. How far continued.	4. Amending Acts.
5 & 6 Will. 4. c. 27.	The Linen Manufactures (Ireland) Act, 1835.	The whole Act -	3 & 4 Vict. c. 91. 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
3 & 4 Vict. c. 89.	An Act to exempt, until the thirty-first day of December one thousand eight hundred and forty-one, inhabitants of parishes, townships, and villages from liability to be rated as such, in respect of stock in trade or other property, to the relief of the poor.	The whole Act.	——
4 & 5 Vict. c. 30.	The Ordnance Survey Act, 1841.	The whole Act -	33 Vict. c. 13. 47 & 48 Vict. c. 43.
10 & 11 Vict. c. 98.	An Act to amend the law as to Ecclesiastical Jurisdiction in England.	As to the provisions continued by 21 & 22 Vict. c. 50.	——
11 & 12 Vict. c. 32.	The County Cess (Ireland) Act, 1848.	The whole Act -	20 & 21 Vict. c. 7.
14 & 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	The whole Act -	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.
17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	26 & 27 Vict. c. 29. s. 6. 31 & 32 Vict. c. 125. 46 & 47 Vict. c. 51.

1. Session and Chapter.	2. Title or Short Title.	3. How far continued.	4. Amending Acts.
23 & 24 Vict. c. 19.	An Act to extend the Act to facilitate the Improvement of Landed Property in Ireland, and the Acts amending the same, to the erection of Dwellings for the Labouring Classes in Ireland.	The whole Act -	——
24 & 25 Vict. c. 109.	The Salmon Fishery Act, 1861.	As to the appointment of inspectors, s. 31.	49 & 50 Vict. c. 39. s. 3. 55 & 56 Vict. c. 50.
26 & 27 Vict. c. 105.	An Act to remove certain restrictions on the negotiation of Promissory Notes and Bills of Exchange under a limited sum.	The whole Act -	45 & 46 Vict. c. 61.
27 & 28 Vict. c. 20.	An Act to remove certain restrictions on the negotiation of Promissory Notes and Bills of Exchange under a limited sum in Ireland.	The whole Act.	——
28 & 29 Vict. c. 46.	An Act to suspend the making of lists and the ballots for the Militia of the United Kingdom.	The whole Act -	45 & 46 Vict. c. 49.
28 & 29 Vict. c. 83.	The Locomotives Act, 1865.	The whole Act -	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77. (Part II.)
29 & 30 Vict. c. 52.	An Act to extend the law relating to the expenses of prosecutions, and to make provision for expenses on charges of felony and certain misdemeanors before examining magistrates.	The whole Act.	——
31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51.
32 & 33 Vict. c. 21.	The Corrupt Practices Commission Expenses Act, 1869.	The whole Act -	34 & 35 Vict. c. 61.

A.D. 1894.

1. Session and Chapter.	2. Title or Short Title.	3. How far continued.	4. Amending Acts.
33 & 34 Vict. c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act -	34 & 35 Vict. c. 100. 41 Vict. c. 6.
34 & 35 Vict. c. 87.	The Sunday Observation Prosecution Act, 1871.	The whole Act.	——
35 & 36 Vict c. 33.	The Ballot Act, 1872 -	The whole Act -	45 & 46 Vict. c. 50. (Municipal Elections).
38 & 39 Vict. c. 84.	The Parliamentary Elections (Returning Officers) Act, 1875.	The whole Act -	46 & 47 Vict. c. 51. s. 32. 48 & 49 Vict. c. 62. 49 & 50 Vict. c. 57.
39 & 40 Vict. c. 21.	The Jurors Qualification (Ireland) Act, 1876.	The whole Act.	——
41 & 42 Vict. c. 41.	The Parliamentary Elections, Returning Officers Expenses (Scotland) Act, 1878.	The whole Act -	48 & 49 Vict. c. 62. 49 & 50 Vict. c. 58. 54 & 55 Vict. c. 49.
41 & 42 Vict. c. 72.	The Sale of Liquors on Sunday (Ireland) Act, 1878.	The whole Act -	——
43 Vict. c. 18. -	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act -	46 & 47 Vict. c. 51.
43 & 44 Vict. c. 42.	The Employers' Liability Act, 1880.	The whole Act -	——
44 & 45 Vict. c. 5.	The Peace Preservation (Ireland) Act, 1881.	The whole Act -	49 & 50 Vict. c 24. 50 & 51 Vict. c. 20.
45 & 46 Vict. c. 59.	The Educational Endowments (Scotland) Act, 1882.	As to the powers of Her Majesty in Council and of the Scotch Education Department, s. 47.	——
46 & 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883.	The whole Act -	——
46 & 47 Vict. c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act -	48 & 49 Vict. c. 77. 49 & 50 Vict. c. 59. 54 & 55 Vict. c. 48. 54 & 55 Vict. c. 71. 55 & 56 Vict. c. 7.
47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	The whole Act -	56 & 57 Vict. c. 73.

1. Session and Chapter.	2. Title or Short Title.	3. How far continued.	4. Amending Acts.
49 & 50 Vict. c. 29.	The Crofters Holdings (Scotland) Act, 1886.	As to the powers of the Commissioners for the enlargement of holdings, s. 22.	50 & 51 Vict. c. 24. 51 & 52 Vict. c. 63. 54 & 55 Vict. c. 41.
50 & 51 Vict. c. 33.	The Land Law (Ireland) Act, 1887.	So much of section one as relates to the time within which applications under the section may be made.	51 & 52 Vict. c. 13. 52 & 53 Vict. c. 59. 53 & 54 Vict. c. 48.
51 & 52 Vict. c. 55.	The Sand Grouse Protection Act, 1888.	The whole Act.	——
52 & 53 Vict. c. 40.	The Welsh Intermediate Education Act, 1889.	As to the powers of the joint education committee and the suspension of the powers of the Charity Commissioners.	53 & 54 Vict. c. 60.

PART II.

32 & 33 Vict. c. 56.	The Endowed Schools Act, 1869.	As to the powers of making schemes and as to the payment of the salaries of additional Charity Commissioners.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. 52 & 53 Vict. c. 40.

[To be substituted for Bill previously delivered.]

Expiring Laws Continuance.

A

B I L L

To continue various Expiring Laws.

(*Prepared and brought in by Sir John Hibbert, Mr. Chancellor of the Exchequer, and Mr. Attorney-General.*)

Ordered, by The House of Commons, *to be Printed*, 6 *August* 1894.

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[*Price* 1*d.*]

[Bill 349.]

A

B I L L

TO

Amend the Factors' Act, 1889.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Transfer by potential owner of goods.

1. Where any person has obtained or has, with the consent of the owner, the possession of goods, or of the documents of title to goods,—

(1) with power of sale by such person on his own behalf; or

(2) under an agreement whereby a right or option to purchase (whether such right or option be defeasible or not) is given to the person so having possession, or whereby the property therein may pass to such person or his agent or nominee upon the happening of any event or the lapse of any time,

any sale, pledge, or other disposition of the said goods or documents of title by the person so having possession thereof, or his agent, to any person who shall receive the same in good faith, and without notice of any right of the owner, shall have the same effect as if the person making such sale, pledge, or other disposition were expressly authorised by the owner of the goods to make the same.

Construction and short title.

2. This Act shall be read as one with the Factors' Act, 1889, and may be cited as the Factors' Act Amendment Act, 1894.

Factors' Act (1889) Amendment.

A

B I L L

To amend the Factors' Act, 1889.

(*Prepared and brought in by Mr. Greene, Mr. Brynmor Jones, and Mr. Arthur O'Connor.*)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1894.

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[*Price* ½*d.*]

[Bill 47.]

Factories and Workshops.

ARRANGEMENT OF CLAUSES.

GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

Sanitary Provisions and Safety.

Clause.

1. Overcrowding of factory.
2. Power to make orders as to dangerous factory or workshop.
3. Amendment of 41 & 42 Vict. c. 16. s. 5, as to fencing.
4. Amendment of 41 & 42 Vict. c. 16. s. 9, as to restriction on cleaning of machinery in motion.
5. Regulation as to position of self-acting machine.
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20. Annual returns of persons employed.
21. Provision as to notice to sanitary authority.
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23. Amendment of 41 & 42 Vict. c. 16. s. 55, as to overtime in Turkey red dyeing.
24. Amendment and explanation of 41 & 42 Vict. c. 16. s. 58.
25. Particulars respecting wages to be furnished in certain cases.
26. Extension of 54 & 55 Vict. c. 75. s. 27, respecting lists of outworkers.
27. Amendment of 41 & 42 Vict. c. 16. s. 66, and 54 & 55 Vict. c. 75. s. 29.
28. Scale of fees to certifying surgeons.
29. Service of documents on owner.
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A

B I L L

TO

Amend and extend the Law relating to Factories and Workshops. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

General Law relating to Factories and Workshops.

Sanitary Provisions and Safety.

Over-crowding of factory.

1. A factory shall be deemed to be so overcrowded as to be dangerous or injurious to the health of the persons employed therein if the number of cubic feet of space in any room therein bears to the number of persons employed at once in the room a ratio less than the following, namely:

Before *eight* o'clock in the evening, two hundred and fifty cubic feet of space to every person; and

Between *eight* o'clock and *ten* o'clock in the evening four hundred cubic feet of space to every person:

Provided that—

(*a.*) The number of persons employed in a room shall be reckoned for the purposes of this section as if there were added to the persons actually so employed one person for three gas burners when lighted, and so in proportion for any multiple of three; and

(*b.*) The Secretary of State may, as regards any particular manufacturing processes or handicrafts, by order substitute for the said figures of two hundred and fifty and four hundred respectively any higher figures, and this section shall in the case of every such process or handicraft have effect as modified by the order.

Power to make order as to

2.—(1.) A court of summary jurisdiction may on complaint by an inspector, and on being satisfied that any premises used as a

A.D. 1894.

dangerous factory or workshop.

factory or workshop or as part of a factory or workshop are in such a condition that any manufacturing process or handicraft carried on therein cannot be so carried on without danger to health or to life or limb, by order, prohibit the premises from being used for the purpose of that process or handicraft, until such works have been executed as are in the opinion of the court necessary to remove the danger.

(2.) Provided that proceedings shall not be taken under this section in cases where proceedings might be taken by or at the instance of any sanitary authority under the provisions of the law relating to public health.

(3.) If there is any contravention of an order under this section the occupier of the premises for the time being shall be liable to a fine not exceeding *forty shillings* a day during such contravention.

(4.) If a person appeals to a court of quarter sessions against an order under this section liability to a fine shall not arise until after the determination or abandonment of the appeal.

Amendment of 41 & 42 Vict. c. 16. s. 5, as to fencing.

3. In paragraph four of section five of the principal Act the words "for the purpose of any manufacturing process" shall be repealed.

Amendment of 41 & 42 Vict. c. 16. s. 9, as to restriction on cleaning of machinery in motion.

4. The first paragraph of section nine of the principal Act shall apply to a young person and to a woman in like manner as it applies to a child.

Regulation as to position of self-acting machine.

5.—(1.) The traversing-carriage of any self-acting machine erected after the commencement of this Act shall not be allowed to run within one foot of any pillar, column, pier, or fixed structure.

(2.) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with the principal Act.

Extension of 54 & 55 Vict. c. 75. s. 7, as to provision against fire.

6.—(1.) Sub-section one of section seven of the Act of 1891 shall apply to all factories and workshops the construction of which is commenced after the commencement of this Act (including workshops conducted on the system of not employing any child, young person, or woman therein), in like manner as it applies to factories the construction of which was commenced after the first day of January one thousand eight hundred and ninety-two, and in which more than forty persons are employed, and shall so apply irrespectively of the number of persons employed in any such factory or workshop.

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(2.) Sub-section two of the said section shall have effect as if "twenty" were substituted therein for "forty," and shall apply to workshops (including workshops conducted on the system of not employing any child, young person, or woman therein) in like manner as it applies to factories.

Employment.

Restriction of overtime employment to three days a week

7. A young person or woman shall not be employed overtime in pursuance of section fifty-three of the principal Act for more than *three* days in any one week; and, accordingly, the words "*three days*" shall be substituted in that section for the words "five days."

Restrictions on employment inside and outside factory or workshop on the same day.

8.—(1.) A child shall not be employed in the business of a factory or workshop outside the factory or workshop on any day during which the child is employed in the factory or workshop.

(2.) A young person or woman shall not be employed in the business of a factory or workshop outside the factory or workshop on any day during which the young person or woman is employed in the factory or workshop both before and after the dinner hour.

(3.) For the purposes of this section a child, young person, or woman to or for whom any work is given out, or who is allowed to take out any work, to be done by him or her outside a factory or workshop, shall be deemed to be employed outside the factory or workshop on the day on which the work is so given or taken out.

(4.) The principal Act shall apply as if any child, young person, or woman employed in contravention of this section were employed in a factory or workshop contrary to the provisions of that Act.

Holidays.

Days to be observed as holidays in England and Wales.

9. Subject to and in the absence of any notice affixed and forwarded as provided by the principal Act and the Act of 1891, and substituting for any holiday herein-after mentioned another holiday or two half holidays, the holidays to be observed in a factory or workshop in England and Wales in pursuance of paragraphs (1) and (2) of section twenty-two of the principal Act shall be the whole of Christmas Day and of Good Friday, and of every bank holiday, and unless any other holidays or half-holidays are so substituted, it shall not be necessary to affix in the factory or workshop any notice of the holidays or half-holidays to be observed, or to forward a copy of any such notice to the inspector of the district.

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Accidents.

Amendment of 41 & 42 Vict. c. 16. s. 31, as to notice of accidents and inquests.

10.—(1.) In section thirty-one of the principal Act—

(*a.*) After the words "is produced either by machinery moved by "steam, water, or other mechanical power" shall be inserted the words "or through a hoist or the well of a hoist."

(*b.*) After the words "by escape of gas, steam, or metal," shall be inserted the words "and is of such a nature as to prevent "the person injured from doing *five hours* work on any one "of the three days next after the occurrence of the accident."

[See 50 & 51 Vict. c. 58. s. 48.]

(2.) Where a death has occurred by accident in any factory or workshop, the coroner shall adjourn the inquest, unless an inspector or some person on behalf of a Secretary of State is present to watch the proceedings, and shall at least *four days* before holding the adjourned inquest send to the inspector notice in writing of the time and place of holding the adjourned inquest.

Provided that if the accident has not occasioned the death of more than one person, and the coroner has sent to the inspector notice of the time and place of holding the inquest at such time as to reach the inspector not less than *twenty-four hours* before the time of holding the same, it shall not be imperative on him to adjourn the inquest in pursuance of this section if the majority of the jury think it unnecessary so to adjourn.

SPECIAL RULES AND REQUIREMENTS.

Laundries.

Application of Factory Acts to laundries.

11.—(1.) The Factory Acts shall apply to every laundry wherein or within the close or curtilage or precincts of which steam, water, or other mechanical power is used in aid of the laundry process carried on there as if it were a non-textile factory, and to every other laundry as if it were a workshop.

(2.) In the case of every steam laundry:

(*a.*) A fan or other means of a proper construction shall be provided, maintained, and used for regulating the temperature in every ironing-room, and for carrying away the steam in every washhouse in the laundry; and

(*b.*) All stoves for heating irons shall be sufficiently separated from any ironing room, and gas irons emitting any noxious fumes shall not be used; and

(*c.*) The flooring shall be kept in good condition and drained in such manner as will allow the water to flow off freely.

(3.) Nothing in this section shall apply to—

(*a*) any laundry in which the work is done for the use of a single family or institution by persons being servants, or on premises occupied by servants, of that family or institution; or

(*b*) any laundry in which the only persons employed are members of the same family dwelling there.

Docks, &c.

Extension to docks, &c. of certain prosions of Factory Acts.

12. The following provisions of the principal Act, namely:—

(1.) Sections five and eighty-two, with respect to the fencing of machinery, as amended by subsequent enactments.

(2.) Section thirty-one, with respect to notice of accidents, as amended by subsequent enactments; and

(3.) Section sixty-eight, with respect to the powers of inspectors,

shall have effect as if—

(*a*) every dock, wharf, quay, and warehouse, and

(*b*) any premises on which machinery is temporarily used for the purpose of the construction of a building or any structural work in connexion with a building,

were included in the word factory, and the purpose for which the machinery is used were a manufacturing process, and as if the person who by himself, his agents, or workmen temporarily uses any such machinery for the before-mentioned purpose were the occupier of the said premises; and for the purpose of the enforcement of those sections the occupier of a dock, wharf, quay, or warehouse, and the person so using any such machinery, shall be deemed to be the occupier of a factory.

Tenement Factories.

Substitution of owner of tenement factory for occupier for certain purposes.

13.—(1.) Where mechanical power is supplied to different parts of the same building occupied by different persons for the purpose of any manufacturing processes or handicrafts in such manner that those parts constitute in law separate factories, the owner (whether or not he is one of the persons so in occupation) of the building (which is hereafter in this Act referred to as a tenement factory) shall, instead of the occupier, be liable for the observance of the following provisions, namely:

(*a.*) Section three of the principal Act, with respect to the sanitary condition of a factory, as amended by subsequent enactments; and

(*b.*) Sections five and eighty-two of the principal Act, with respect to the fencing of machinery in a factory, as amended

A.D. 1894.

by subsequent enactments, except so far as those sections relate to such parts of the machinery as are supplied by the occupier; and

(*c.*) Section thirty-three of the principal Act, with respect to the limewashing and washing of the interior of a factory; and

(*d.*) Section thirty-six of the principal Act with respect to the provision, maintenance, and use of a fan or other mechanical means in certain cases for disposing of dust, so far as that section requires the supply of pipes or other contrivances necessary for working the fan or other means; and

(*e.*) So much of section seventy-eight of the principal Act as relate to the affixing of the prescribed abstract of that Act.

(2.) In a tenement factory the times specified in the prescribed abstract of the principal Act shall apply to all the factories and buildings except so far as they are modified by any special notice in the prescribed form.

(3.) Section eight of the Factory Act, 1891, shall, if and as far as in the case of a tenement factory the Secretary of State by order so directs, apply as if the owner of the factory were substituted for the occupier.

(4.) The provisions of this Act with respect to the power to make orders in the case of dangerous premises shall apply in the case of a tenement factory as if the owner were substituted for the occupier.

(5.) Where, by or under this section, the owner of a tenement factory is substituted for the occupier with respect to any provisions of the Factory Acts, any summons, notice, or proceeding which for the purpose of any of those provisions is by the said Acts or any of them authorised or required to be served on or taken in relation to the occupier, is hereby authorised or required (as the case may be) to be served on or taken in relation to the owner.

Regulations as to grinding in tenement factory.

14.—(1.) Where grinding is carried on in a tenement factory, the owner of the factory shall be responsible for the observance of the following provisions:—

(*a.*) All boards which fence the main shafting and pulleys, locally known as drum boards, and all belt guards, locally known as scotchmen, shall be kept in proper repair;

(*b.*) Every floor which is constructed after the commencement of this Act, shall be so constructed and maintained as to facilitate the removal of slush;

(*c.*) Every grinding room or hull which is established after the commencement of this Act shall be so constructed that there

shall be a clear space of three feet at least between each pair of troughs, and of four feet at least in front of each trough, and the sides of all drums in any such grinding room or hull shall be closely fenced;

(*d.*) There shall at all times be means of instantaneous communication between each of the rooms in which the work is carried on and both the engine room and the boiler house.

(2.) In every such tenement factory it shall be the duty of the owner and of the occupier of the factory respectively to see that such parts of the horsing chains and of the hooks to which the chains are attached as are supplied by them respectively are kept in efficient condition.

(3.) A tenement factory in which there is any contravention of this section shall be deemed not to be kept in conformity with the principal Act, but for the purposes of any proceeding in respect of a provision for the observance of which the owner of the factory is responsible, that owner shall be substituted for the occupier of the factory.

Validity of certificate of fitness in tenement factory.

15. A certificate of the fitness of any young person or child for employment in a tenement factory shall be valid for his employment in any part of the same building.

Bakehouses.

Extension of 41 & 42 Vict. c. 16. ss. 34 and 35, as to bakehouses.

16. Sections thirty-four and thirty-five of the principal Act shall apply to every bakehouse, and so much of those sections as limits the operation thereof to cities, towns, and places having a population of more than five thousand persons is hereby repealed.

Special Restrictions as to Employment.

Provision respecting iron-enamelling.

17. Lead or arsenic shall not be used in any factory or workshop in the process of tinning or enamelling iron hollow-ware cooking utensils; and a factory or workshop in which there is a contravention of this enactment shall be deemed not to be kept in conformity with the principal Act.

Power to prohibit or restrict employment in dangerous trade.

18. Section eight of the Act of 1891 shall extend to authorise the making of special rules or requirements prohibiting the employment of, or modifying or limiting the period of employment for, all or any classes of persons in any process or particular description of manual labour which is certified by the Secretary of State in pursuance of that section to be dangerous or injurious to health, or dangerous to life or limb.

A.D. 1894.

Special Provisions for Health.

Notification of certain diseases to chief inspector.

19.—(1.) Every medical practitioner attending on or called in to visit a person whom he believes to be suffering from lead, phosphorus, or arsenical poisoning, or anthrax contracted in any factory or workshop shall send to the Chief Inspector of Factories at the Home Office, London a notice stating the name and full postal address of the said person and the disease from which in the opinion of the medical practitioner that person is suffering, and shall be entitled in respect of every such notice to a fee of *two shillings and sixpence to be paid as part of the expenses incurred by the Secretary of State in the execution of the principal Act.*

(2.) If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding *forty shillings.*

(3.) Written notice of every case of lead, phosphorus, or arsenical poisoning, or anthrax occurring in a factory or workshop shall forthwith be sent to the inspector and to the certifying surgeon for the district; and sections thirty-one and thirty-two of the principal Act, and section twenty-two of the Act of 1891, as amended by this Act, shall apply to any such case in like manner as to any such accident as is in those sections mentioned.

MISCELLANEOUS AMENDMENTS.

Annual returns of persons employed. [*See* 50 & 51 Vict. c. 58. s. 33.]

20. The occupier of every factory shall on or before the *twenty-first day of January* in every year send to the inspector of the district on behalf of the Secretary of State a correct return specifying with respect to the year ending on the preceding thirty-first day of December the number of persons who are ordinarily employed in the factory, with such particulars as the Secretary of State may prescribe; and shall also send to the Secretary of State from time to time such other returns with respect to his factory as the Secretary of State may require; and in default of complying with any requirement of this section shall be liable on summary conviction to a fine not exceeding *twenty pounds.*

Provision as to notice to sanitary authority

21. Where notice of an act, neglect, or default is given by an inspector under section four of the principal Act, as amended by the Act of 1891, to a sanitary authority, it shall be the duty of the sanitary authority to inform the inspector of the proceedings, taken in consequence of the notice.

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Amendment of 41 & 42 Vict. c. 16. ss. 52 and 53, and Third Schedule, Parts I. and III.

22.—(1.) In sections forty-two and fifty-three of the principal Act—

For the words "the factories and workshops or parts thereof" shall be substituted the words "the non-textile factories and "workshops or parts thereof and warehouses"; and

For the words "the factories and workshops and parts thereof" shall be substituted the words "the non-textile factories and "workshops and parts thereof and warehouses,"

wherever those words respectively occur in the said sections.

(2.) In Part One of the Third Schedule to the principal Act, for the words "any factory" shall be substituted the words "any "non-textile factory," and the word "and" immediately preceding the paragraph marked "(*t.*)" is hereby repealed, and for the said paragraph there shall be substituted the following paragraph, namely:

"The said exception applies also to any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing-up goods."

(3.) In Part Three of the Third Schedule to the principal Act, before the word "factories" shall be inserted the word "non-"textile," the words "and also" are hereby repealed, and for the paragraph marked "(*x.*)" there shall be substituted the following paragraph, namely:

"The said exception applies also to any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing-up goods."

Amendment of 41 & 42 Vict. c. 16. s. 55, as to overtime in Turkey red dyeing.

23.—(1.) Section fifty-five of the principal Act shall be amended by the addition, after the words "open-air bleaching," of the words "but the additional number of hours so worked shall be computed "as part of the week's limit of work, which shall in no case be "exceeded."

(2.) Nothing in the said section shall be construed as authorising a young person or woman to commence work before *six* o'clock in the morning.

Amendment and explanation of 41 & 42 Vict. c. 16. s. 58.

24.—(1.) Nothing in the principal Act shall prevent the employment of male young persons to whom section fifty-eight of that Act applies in three shifts of not more than *eight* hours each.

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(2.) The said section shall not be deemed to authorise in any factory specified in Part Six of the Third Schedule to the said Act the employment during the night of young persons in any process other than a process incidental to the business of the factory as described in Part One of the Tenth Schedule to the said Act.

Particulars respecting wages to be furnished in certain cases.

25. For section twenty-four of the Act of 1891 the following section shall be substituted, namely :—

24.—(1.) The occupier of every factory and workshop in which any person is, as a worker, employed in the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, china, grass, cocoa-nut fibre, or other like material, either separately or mixed together, or mixed with any other material or any fabric made therefrom, and is paid by the piece shall—

(*a*) exhibit in every room of the factory or workshop in which any such person is employed a list containing in a plain and definite form the particulars which determine the rate of wages payable for any piecework to be done by any such person in that room, and in the case of any piece of work to which that list does not apply, furnish to every such person on giving out work to him a statement in writing containing in a plain and definite form the particulars which determine the rate of wages for that piece; and

(*b*) furnish to every such person on giving out work to him a correct statement in writing of all such particulars, if any, of the work not ascertained by an automatic indicator as, together with the particulars so ascertained, are necessary to enable that person to compute the total amount of wages payable to him in respect of the piece according to the list, or to the statement of the rate of wages, as the case may be.

(2.) If the occupier fails to comply with the requirements of this section, or uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, he shall be liable for each offence to a fine of not more than *ten pounds*, and in case of a second or subsequent conviction within *two years* from the last conviction for that offence not less than *one pound:* Provided that—

(i.) if anyone engaged as a worker in any factory or workshop receives such particulars, and subsequently discloses the same with a fraudulent object for the purpose of gain, whether they be furnished directly to him or to a fellow workman, he shall be liable to a fine not exceeding *ten pounds;* and

(ii.) if anyone solicits or procures a person so engaged in any factory to disclose such particulars with the object or purpose aforesaid, or pays or rewards such person, or causes such person to be paid or rewarded for so disclosing such particulars, he shall be guilty of an offence, and shall be liable to a fine not exceeding *ten pounds*. A.D. 1894.

Extension of 54 & 55 Vict. c. 75. s. 27, respecting lists of out-workers.

26. Section twenty-seven of the Act of 1891 shall apply to any place from which any work of making up wearing apparel for sale is given out, and to the occupier of that place, and to every contractor employed by any such occupier in connexion with the said work, as if that place were a workshop.

Amendment of 41 & 42 Vict. c. 16. s. 66, and 54 & 55 Vict. c. 75. s. 29.

27.—(1.) In section sixty-six of the principal Act the words "the inspector for the district" shall be substituted for the words "an inspector" wherever they occur in that section.

(2.) In section twenty-nine of the Act of 1891, the words "the factory inspector for the district within which the offence is charged to have been committed" shall be substituted for the words "a factory inspector."

Scale of fees to certifying surgeons.

28. The fees to be paid to certifying surgeons in cases where in pursuance of special rules they are required to examine the persons employed in a factory or workshop shall be in accordance with the scale set forth in the First Schedule to this Act or with such scale as may be substituted therefor by the Secretary of State.

Service of documents on owner.

29. Section seventy-nine of the principal Act shall, in the case of any notice, order, requisition, summons, or document required or authorised by the Factory Acts to be served on the owner as defined by this Act of a factory or workshop, have effect as if it referred to the owner as so defined instead of the occupier.

Payment of costs by actual offender in lieu of occupier.

30. Where in pursuance of section eighty-seven of the principal Act some person other than the occupier of a factory or workshop is brought before a court of summary jurisdiction and convicted of an offence with which the occupier was charged, that person shall in the discretion of the court be liable to pay any costs incidental to the proceeding.

Right of inspector to conduct procedings before magistrates.

31. An inspector if so authorised in writing under the hand of the Secretary of State may, although he is not a counsel or solicitor, or writer to the signet, prosecute, conduct, or defend before a court of summary jurisdiction or justice, any information, complaint, or

A.D. 1894.

other proceeding arising under the Factory Acts, or in the discharge of his duty as such inspector.

[Cf. 53 & 54 Vict. c. 21. s. 27.]

Application to Ireland. 41 & 42 Vict. c. 52.

32. In the application of the Factory Acts to Ireland—

The expression "Public Health (Ireland) Act, 1874," where it occurs in subsection eleven of section one hundred and six of the principal Act, also the expression "Public Health Act, 1875," where it occurs in sections four and seven of the Act of 1891, shall mean the Public Health (Ireland) Act, 1878, and the Acts amending the same.

Definitions.

33. In this Act, unless the context otherwise requires:

The expression "the Factory Acts" means the Factory and Workshop Acts, 1878 to 1891, and this Act.

The expression "the principal Act" means the Factory and Workshop Act, 1878.

The expression "the Act of 1891" means the Factory and Workshop Act, 1891.

38 & 39 Vict. c. 55.

The expression "owner" has the meaning given to it by section four of the Public Health Act, 1875.

Repeal.

34. The Acts mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Commencement of Act.

35. This Act shall come into operation on the *first* day of *January one thousand eight hundred and ninety-five.*

Short titles and construction.

36. This Act may be cited as the Factory and Workshop Act, 1894, and shall be construed as one with the Factory and Workshop Acts, 1878 to 1891, and those Acts and this Act may be cited collectively as the Factory and Workshop Acts, 1878 to 1894.

SCHEDULES.

A.D. 1894.

FIRST SCHEDULE.

Section 28.

SCALE OF FEES TO CERTIFYING SURGEONS.

Under 10 hands	- - - -	*2s. 6d* per visit.
„ 20 „	- - - -	*3s.* „
„ 30 „	- - - -	*3s. 6d.* „
„ 50 „	- - - -	*4s.* „
„ 75 „	- - - -	*4s. 6d.* „
„ 100 „	- - - -	*5s.* „
Over 100 „	- - - -	*7s. 6d.* „

With the addition of *1s.* for every mile or portion of a mile in excess of one mile from the certifying surgeon's residence.

SECOND SCHEDULE.

Section 34.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
41 & 42 Vict. c. 16. -	The Factory and Workshop Act, 1878.	Section nine, from "A young "person or woman" to "manu- "facturing machinery."
		Part one of the Third Schedule, from "and (*t.*) A part of a "factory" to "packing-up "goods."
		Part three of the Third Schedule, from "and also" to "packing-up "goods."
54 & 55 Vict. c. 75. -	The Factory and Workshop Act, 1891.	Sub-section one of section twenty-one, and section twenty four.

Factories and Workshops.

A

B I L L

To amend and extend the Law relating to Factories and Workshops.

(Prepared and brought in by Mr. Secretary Asquith, Mr. Herbert Gladstone, and Mr. George Russell.)

Ordered, by The House of Commons, *to be Printed,* 30 *April* 1894.

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[Bill 204.]

A

B I L L

TO

Amend the Factory and Workshop Act, 1891. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Factory and Workshop Act, 1894. Short title.

2. For section twenty-four of the Factory and Workshop Act, 1891, the following section shall be substituted, namely:— Particulars to be supplied in case of payment by piece.

(1.) The occupier of every factory and workshop in which any person is, as a workman belonging to any of the classes mentioned in the schedule to this Act, employed in the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, china grass, cocoanut fibre, or other like material, either separately or mixed together, or mixed with any other material or any fabric made therefrom, and is paid by the piece, shall—

(*a*) exhibit in every room of the factory or workshop in which any such person is employed a list containing the particulars which affect the rate of wages payable for any piecework to be done by any such person in that room; and

(*b*) in the case of any piece of work to which that list does not apply, furnish to every such person on giving out work to him a statement in writing containing the particulars which affect the rate of wages for that piece; and

(*c*) furnish to every such person on giving out work to him a correct statement in writing of all such particulars, if any, of the work not ascertained by an automatic indicator as, together with the particulars so ascertained, are necessary to enable that person to compute the total amount of wages payable to him in respect of the piece according to the list, or to the statement of the rate of wages, as the case may be.

[Bill 121.]

A.D. 1894.

If the occupier of any factory or workshop fails to comply with the requirements of this section, or uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, he shall be liable for each offence to a fine of not more than *ten pounds*, and in case of a second or subsequent conviction within two years from the last conviction for that offence not less than *one pound*.

Provided always that in the event of anyone who is engaged as an operative in any factory or workshop receiving such particulars, and subsequently disclosing the same with a fraudulent object for the purpose of gain, whether they be furnished directly to him or to a fellow workman, he shall be liable for each offence to a fine of not more than *ten pounds*.

Provided also that anyone who shall solicit or procure a person so engaged in any factory to disclose such particulars with the object or purpose aforesaid, or shall pay or reward such person, or shall cause such person to be paid or rewarded for so disclosing such particulars, shall be guilty of an offence, and shall be liable for each offence to a fine of not more than *ten pounds*.

Commencement of Act.

3. This Act shall come into force on the *first day of September one thousand eight hundred and ninety-four*.

SCHEDULE.

Card and blowing room worker.
Mule spinner.
Ring spinner.
Winder or reeler.
Mill warper.
Beam warper.
Taper, slasher, dresser, or sizer.
Drawer or twister.
Weaver.

Factory and Workshop Act (1891) Amendment.

A

B I L L

To amend the Factory and Workshop Act, 1891.

(*Prepared and brought in by Sir Henry James, Sir Henry Roscoe, Mr. Mowbray, and Mr. Charles Fenwick.*)

Ordered, by The House of Commons, *to be Printed*, 21 *March* 1894.

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[*Price* ½*d.*]

[Bill 121.]

A

B I L L

TO

Make provision for Public Inquiry in regard to Fatal Accidents occurring in Industrial Employments or Occupations in Scotland. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Fatal Accidents Inquiry (Scotland) Act, 1894.

Extent of Act.

2. This Act shall extend to and include all cases of death of any person or persons engaged in any industrial employment or occupation in Scotland, from accident occurring in the course of such industrial employment or occupation.

Proceedings on occurrence of fatal accident.

3.—(1.) Upon the occurrence of any death to which this Act applies, the procurator-fiscal of the county or district in which the accident shall have taken place, shall, so soon as he receives information of the death or deaths, proceed to collect evidence thereanent, and shall also forthwith present to the sheriff a petition craving him to hold a public inquiry in regard to the cause or causes of the death or deaths, and the circumstances of the accident.

(2.) If more deaths than one have resulted from the same accident, the petition and inquiry shall relate to the whole deaths which have resulted therefrom.

Public inquiry as to accident.

4.—(1.) Upon presentation of the petition, which shall narrate briefly the circumstances of the case so far as known to the procurator-fiscal, the sheriff shall pronounce an interlocutor directing that a public inquiry in regard to the death shall be held at a time to be specified in the interlocutor, being a time as soon as

A.D. 1894.

reasonably possible, in such court house within his jurisdiction as may be nearest to the place where the accident occurred, or, if special circumstances appear to him to make it expedient, in such other court house or other building as may be available and convenient, and shall grant warrant to cite witnesses and havers to attend at such inquiry, at the instance of the procurator-fiscal, and of all parties who may be entitled to appear as herein-after provided.

(2.) Intimation of the time and place of the inquiry shall be made by the sheriff clerk, so far as possible, by letter, posted or delivered, upon information as to their names and addresses being furnished to him by the procurator-fiscal, to the wife or husband, or to the nearest known relative, and to the employer, if any, of each person, who has lost his or her life in the accident. In the case of an accident in or about a mine, such intimation shall also be made to the inspector of mines for the district, and, in the case of an accident in a factory or workshop, to the inspector of factories and workshops for the district. The sheriff clerk shall also cause intimation of the time and place of the inquiry to be made by advertisement in a newspaper circulating in the district, or if there be more than one such newspaper, then in both or two of them.

(3.) In the event of the Secretary for Scotland being satisfied that the sheriff is unable, owing to the pressure of official duty, to hold the inquiry at the time and place specified, the Secretary for Scotland may appoint a competent person, who shall possess the qualifications necessary for the office of sheriff-substitute, to hold the inquiry in his stead, and the person so appointed shall have all the powers of a sheriff under this Act, for the purposes of the said inquiry.

(4.) The inquiry shall be by the sheriff and a jury, and the sheriff clerk shall cite seven common, and three special, jurors for each such inquiry, or, if more inquiries than one are appointed by the sheriff to be held on the same day, for all the inquiries to be held by him on that day.

(5.) The jury shall consist of five common and two special jurors, who shall be chosen from the list of persons cited as aforesaid, in the manner prescribed by section forty-four of the Court of Session Act, 1868.

(6.) The statutory provisions now in force in regard to challenges of jurors in civil and criminal cases in Scotland, shall not apply to inquiries under this Act, but any person interested in the inquiry may state to the sheriff any objection which he has to a person balloted to serve on the jury, and if the sheriff shall consider that sufficient

cause has been shown why such person should not so serve, he shall not allow the said person to serve upon the jury. A.D. 1894.

(7.) The jury, after hearing the evidence and the summing-up thereof by the sheriff, if he shall consider such summing-up necessary or proper, shall return a verdict in writing, setting forth (so far as such particulars have been proved), when and where the death or deaths to which the inquiry relates took place, and the cause or causes of such death or deaths.

(8.) The jury may return a verdict by a majority of its number at any time not less than one hour after it has been enclosed; and if, after being enclosed for three hours, the jury shall be equally divided in opinion as to what the verdict should be, it may be discharged and a new inquiry shall be held.

(9.) Each juror empanelled at any inquiry under this Act shall be entitled to remuneration at the rate of *five shillings* for each day, or part of a day, during which he has served as a juror, and travelling expenses. Such remuneration shall be payable by the sheriff clerk, and shall be recoverable by him from the county council as a charge upon the general purposes rate, where the inquiry relates to a death which has taken place in a county, and from the police commissioners or other municipal authority of a burgh, as defined by the Burgh Police (Scotland) Act, 1892, as a charge upon the burgh general assessment, where the inquiry relates to a death which has taken place in a burgh.

(10.) The jury shall be cited by the sheriff clerk from the sheriff court jury book in the manner provided by statute for the citation of jurors in civil cases in Scotland, and the existing statutory provisions relative to fines for non-attendance of jurors, and to the swearing of jurors, shall apply to inquiries under this Act.

Procedure at inquiry.

5.—(1.) At the inquiry, which shall be open to the public, the procurator-fiscal, or, in the event of his being unable to attend personally from any cause stated in open court, and held by the sheriff to be sufficient, his duly qualified depute, shall adduce evidence, including such medical or skilled evidence as he deems expedient, in regard to the cause or causes of the death or deaths, and the circumstances of the accident.

(2.) It shall be competent to the sheriff, at, or at any time subsequent to, the presentation of such petition:—

(*a*) to grant warrant to officers of the law to take possession of, and to hold in safe custody, subject to the inspection of parties interested, any article or thing which it may be considered necessary to produce at the inquiry; and

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(*b*) to inspect, either with or without the jury, or to grant warrant for the inspection by any person he may deem expedient, of any premises, machinery, or other thing the inspection of which is or may, in his opinion, be, material for the purposes of the inquiry.

(3.) It shall be competent to the wife or husband, and to the relatives, and to the employer or employers, of any person who has lost his or her life in the accident, and in the case of an accident in or about a mine, to an inspector of mines, and in the case of an accident in a factory or workshop, to an inspector of factories and workshops, as also to any person or persons engaged under the same employers as such person, and to any other person or persons whom the sheriff may consider to have a just interest in the inquiry, to appear at, and take part in, and adduce evidence at, such inquiry, either by themselves or by counsel or agents, or by any other person or persons whom the sheriff may allow to appear on their behalf.

(4.) The evidence adduced at such inquiry shall be taken on oath, the witnesses shall be subject to cross-examination, and the inquiry shall be conducted as nearly as possible in accordance with the ordinary procedure in a trial by jury before the sheriff court. The evidence shall be taken down to the dictation of the sheriff, and as he shall direct, either in writing or in shorthand, which shall afterwards be written out, and it shall in either case be duly authenticated as correct.

(5.) The verdict shall be recorded in the sheriff court books, and the procurator-fiscal shall obtain from the sheriff clerk a copy of the petition, as also the recorded evidence of the witnesses, or a copy thereof, and any reports or productions which may have been made in the course of the inquiry, or copies thereof, in so far as the same are in writing, and a copy of the verdict, and shall transmit the same, together with the usual schedule for the registrar of deaths, to the Crown agent. The sheriff clerk shall also transmit copies of the petition, and of the recorded evidence, and of any reports which may have been made, in the case of an accident in or about a mine, to the inspector of mines for the district, and in the case of an accident in a factory or workshop, to the inspector of factories and workshops for the district, and copies shall also be obtainable by any person having an interest in the inquiry, upon such reasonable payment to defray the cost thereof as the sheriff shall fix.

(6.) Every person attending such inquiry as a witness or haver on citation by the procurator-fiscal, shall be allowed such expenses as are paid to any person attending a criminal trial by jury in the sheriff court on such citation.

A.D. 1894.

Saving.

6. Nothing in this Act contained shall alter or affect the existing law and practice relative to the duties of procurator-fiscals to inquire and report to the Crown agent in regard to cases of death from accident, other than those to which this Act applies, or relative to any powers at present vested in the Lord Advocate to cause public inquiries to be held, or the existing law or practice with reference to criminal proceedings against any person or persons criminally responsible for any death.

Repeal of sub-section 5 of Section 33 of the Factory and Workshops Act, 1891.

7. The provisions of the fifth sub-section of section thirty-three of the Factory and Workshops Act, 1891, are hereby repealed.

Interpretation.

8. In this Act, unless the context otherwise requires :—

The expression "sheriff clerk" shall include sheriff clerk depute;

The expression "procurator-fiscal" shall mean the procurator fiscal in the sheriff court, and shall include the procurator-fiscal of the county of the city of Edinburgh, and of the city and burgh of Aberdeen;

The expression "county" shall extend to the limits within which the sheriff has jurisdiction, whether by statute or at common law;

The expression "district" shall mean any part of a county for which a separate procurator-fiscal is appointed, and shall include any county or combination of counties, or parts of counties, for which one sheriff court and one procurator-fiscal are appointed.

Fatal Accidents Inquiry (Scotland).

A

B I L L

To make provision for Public Inquiry in regard to Fatal Accidents occurring in Industrial Employments or Occupations in Scotland.

(*Prepared and brought in by The Lord Advocate, Sir George Trevelyan, and Mr. Solicitor-General for Scotland.*)

Ordered, by The House of Commons, *to be Printed*, 9 *April* 1894.

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[Bill 151.]

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A

B I L L

TO

Grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Law relating to Customs and Inland Revenue, and to make other provision for the financial arrangements of the year. A.D. 1894.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

Estate Duty.

Grant of Estate Duty.

1. In the case of every person dying after the commencement of this Part of this Act, there shall, save as herein-after expressly provided, be levied and paid, upon the principal value of all property, real or personal, settled or not settled, which passes on the death of such person a duty, called "Estate duty," at the Grant of Estate duty.

A.D. 1894.

graduated rates herein-after mentioned, and the existing duties mentioned in the First Schedule to this Act shall not be levied in respect of property chargeable with such Estate duty.

What property is deemed to pass.

2.—(1.) Property passing on the death of the deceased shall be deemed to include the property following, that is to say :—

(*a.*) Property of which the deceased was at the time of his death competent to dispose;

(*b.*) Property in which the deceased or any other person had an interest ceasing on the death of the deceased where a benefit accrues or arises to any person;

(*c.*) Property which would be required on the death of the deceased to be included in an account under section thirty-eight of the Customs and Inland Revenue Act, 1881, as amended by section eleven of the Customs and Inland Revenue Act, 1889, if those sections were herein enacted and extended to real property as well as personal property, and the words "voluntary" and "voluntarily" and a reference to a "volunteer" were omitted therefrom; and

44 & 45 Vict. c. 12.

(*d.*) Any annuity or other interest purchased or provided by the deceased either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased;

and all such property when situate out of the United Kingdom shall be included, if it is liable to legacy or succession duty or would be so liable but for the relationship of the person to whom it passes.

(2.) Estate duty shall not be payable in respect of property held by the deceased as trustee for another person under a disposition not made by the deceased.

Aggregation of property to form one estate for purpose of duty.

3. For determining the rate of Estate duty to be paid on any property passing on the death of the deceased, all property so passing shall be aggregated so as to form one estate, and the duty shall be levied at the proper graduated rate on the principal value thereof:

Provided that any property so passing which under a disposition not made by the deceased passes immediately on his death to some person other than the wife, husband, or descendant of the deceased without any benefit being reserved or given to any of them, shall not be aggregated with any other property, but shall be an estate by itself, and the Estate duty shall be levied at the proper graduated rate on the principal value thereof.

A.D. 1894.

Settled property.

4.—(1.) Where property liable to Estate duty is settled by the will of the deceased, or after his death remains settled by virtue of any disposition—

(*a*) a further Estate duty on the principal value of the property shall be levied at the rate herein-after specified; but

(*b*) if Estate duty has already been paid in respect of such property since the date of the settlement, neither the Estate duty nor the further Estate duty shall be again payable in respect thereof, unless the deceased was at the time of his death or had been at any time competent to dispose of such property.

(2.) In the case of settled property where the interest of any person under the settlement fails or determines by reason of his death before it becomes an interest in possession, and subsequent limitations under the settlement continue to subsist, the property shall not be deemed to pass on his death.

Collection and Recovery of Duty and Value of Property.

Collection and recovery of Estate duty.

5.—(1.) Estate duty shall be a stamp duty, collected and recovered as herein-after mentioned.

(2.) The executor of the deceased shall pay the Estate duty in respect of all personal property (wheresoever situate) of which the deceased was competent to dispose at his death, on delivering the Inland Revenue affidavit, and may pay in like manner the Estate duty on any other property passing on such death.

(3.) Estate duty, so far as not paid by the executor, shall be collected upon an account setting forth the particulars of the property, and delivered to the Commissioners within *six months* after the death by the person accountable for the duty.

(4.) Every estate shall include all income received or accrued from or upon the property included therein between the death of the deceased and the date of the delivery of the Inland Revenue affidavit or account; and the duty when collected upon an account shall be paid on the delivery of the account; except that the duty on real property may, at the option of the person paying the duty, be paid either on the delivery of the account, or, with interest at the rate of *three* per cent. per annum, by *eight* equal yearly instalments; and the interest on the unpaid portion of the duty shall be added to each instalment and paid accordingly, and in the event of non-payment shall be part of the instalment in arrear;

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but at any time the duty for the time being unpaid may be paid with such interest to the date of payment.

Value of property.

6.—(1.) In determining the value of an estate for the purpose of Estate duty allowance shall be made for reasonable funeral expenses, and for debts and incumbrances; but an allowance shall not be made—

(*a*) for debts incurred by the deceased, or incumbrances created by a disposition made by the deceased, where such debts or incumbrances were incurred or created otherwise than bonâ fide for full consideration in money or money's worth wholly for the deceased's own use or benefit and take effect out of his interest, nor

(*b*) for any debt in respect whereof there is a right to reimbursement from any other estate or person, nor

(*c*) more than once for the same debt or incumbrance charged upon different portions of the estate.

and any debt or incumbrance for which an allowance is made shall be deducted from the value of the property liable thereto.

(2.) An allowance shall not be made in the first instance for debts due from the deceased to persons resident out of the United Kingdom, except out of the value of any personal property of the deceased situate out of the United Kingdom on which Estate duty is paid; and there shall be no repayment of Estate duty in respect of any such debts except to the extent to which it is shown to the satisfaction of the Commissioners that the personal property of the deceased situate out of the United Kingdom is insufficient for their payment.

(3.) Where the Commissioners are satisfied that any dealing by the deceased with any property was for some consideration in money or money's worth, the value of that consideration shall be allowed as a deduction from the value of the property, except that in the case of any periodical payment (whether an annuity or not), a deduction shall only be allowed to the extent to which, after the death of the deceased, a benefit accrues therefrom to his estate.

(4.) Where an estate includes an interest in expectancy, Estate duty in respect of that interest shall be paid either with the duty on the rest of the estate or when the interest falls into possession, and if the duty is not paid with the Estate duty on the rest of the estate, then—

(*a*) for the purpose of determining the rate of Estate duty in respect of the rest of the estate the value of the interest shall

be its value at the date of the payment of the duty on the rest of the estate; and

(*b*) the rate of Estate duty upon the interest when it falls into possession shall be calculated according to its value at that time together with the value of the rest of the estate as originally ascertained.

(5.) Subject to the provisions of this Act, the value of any property for the purpose of Estate duty shall be ascertained by the Commissioners in such manner and by such means as they think fit, and, if they authorise a person to inspect any property and report to them the value thereof for the purposes of this Act, the person having the custody or possession of that property shall permit the person so authorised to inspect it at such reasonable times as the Commissioners consider necessary.

(6.) Any person aggrieved by the value placed on any property by the Commissioners, may, on paying the duty in accordance with that value, appeal to the High Court within the time and in the manner and on the conditions directed by rules of court, and the value shall be determined by the High Court, and if it is less than that fixed by the Commissioners, any excess of duty paid shall be repaid.

Supplemental provisions as to collection and recovery of Estate duty.

7.—(1.) The existing law and practice relating to any of the duties mentioned in the First Schedule to this Act shall, subject to the provisions of this Act, apply for the purposes of the collection and recovery of Estate duty as if such law and practice were in terms made applicable to this Part of this Act.

(2.) The executor of the deceased shall, to the best of his knowledge and belief, specify in appropriate accounts annexed to the Inland Revenue affidavit, all the property in respect of which Estate duty is payable upon the death of the deceased.

(3.) Every person to whom any property passes on the death of the deceased for any interest in possession, and also, to the extent of the property actually received or disposed of by him, every executor of the deceased, trustee, guardian, committee, or other person in whom any interest in the property so passing or the management thereof is at any time vested, and every person in whom the same is vested in possession by alienation or other derivative title shall be accountable for the Estate duty on the property, and shall, within the time required by this Act or such later time as the Commissioners allow, deliver to the Commissioners and verify an account of the property.

A.D. 1894.

(4.) Every person so accountable, and every person whom the Commissioners believe to have taken possession of or administered any part of the estate of the deceased or of the income thereof shall, if required by the Commissioners, deliver to them and verify a statement of such particulars and evidence as they require relating to any property which they have reason to believe to form part of an estate liable to Estate duty on the death of the deceased.

(5.) A person who fails to comply with any of the foregoing provisions of this section shall be liable to pay *one hundred pounds*, or if Estate duty is payable, a sum equal to *treble* the amount of the Estate duty for which he is accountable, according as the Commissioners elect.

(6.) Estate duty shall, in the first instance, be calculated at the appropriate rate according to the value of the estate as set forth in the Inland Revenue affidavit or account delivered, but if afterwards it appears that for any reason too little duty has been paid, the additional duty shall, unless a certificate of discharge has been delivered under this Act, be payable, and be treated as duty in arrear.

(7.) Interest on arrears of estate duty shall be paid as if they were arrears of legacy duty.

(8.) Where it is proved to the satisfaction of the Commissioners that too much Estate duty has been paid, the excess shall be repaid by them.

(9.) Where any proceeding for the recovery of Estate duty in respect of any property is instituted, the High Court shall have jurisdiction to appoint a receiver of the property and the rents and profits thereof, and to order a sale of the property.

(10.) All affidavits, accounts, certificates, statements, and forms used for the purpose of this Part of this Act shall be in such form, and contain such particulars, as may be prescribed, and accounts and statements shall be delivered and verified on oath and by production of books and documents in the manner prescribed.

(11.) No charge shall be made for any certificate given by the Commissioners under this Act.

(12.) The Estate duty may be collected by means of stamps or such other means as the Commissioners prescribe.

Certificates required for dealing with certain securities and money.

8.—(1.) Where either—

(*a*) any stocks, shares, funds, or securities which are inscribed, or the transfer of which is registered, in books kept by any bank or person in the United Kingdom, or which are deposited with any bank or person in the United Kingdom, or any moneys so deposited, are standing or deposited in the name

of a deceased person either alone or jointly with any other person; or

(*b*) any moneys become payable in the United Kingdom on the death of a deceased person under a policy of insurance or other contract, whether by way of a capital sum or of an annuity,

the same shall not be capable of being transferred, disposed of, or paid, nor shall any person be able to give a good discharge for the same, unless it is certified by the Commissioners that there is no claim for Estate duty thereon, and the Commissioners shall, on application in the prescribed form, if satisfied that there is no claim, give such certificate.

(2.) Nothing in this section shall prevent the transfer or payment of any stocks, shares, funds, securities, or moneys which, under the Acts relating to savings banks or any other Act may be transferred or paid without the production of representation.

(3.) Nothing in this section shall invalidate the title of a purchaser for valuable consideration without notice of any stocks, shares, funds, or securities.

Charge of Estate duty on property, and facilities for raising it.

9.—(1.) A rateable part of the Estate duty on an estate in proportion to the value of any property which does not pass to the executor as such, shall be a first charge on the property liable to the duty.

(2.) On an application submitting in the prescribed form the description of the lands or other subjects of property (whether hereditaments, stocks, funds, shares, or securities), and of the debts and incumbrances allowed by the Commissioners in assessing the value of the property for the purposes of Estate duty, the Commissioners shall grant a certificate of the Estate duty paid on the property, and specify the debts and incumbrances so allowed, as well as the lands or other subjects of property.

(3.) Subject to any repayment of Estate duty arising from want of title to the land or other subjects of property, or to the existence of any debt or incumbrance thereon for which under this Act an allowance ought to have been but has not been made, the certificate of the Commissioners shall be conclusive evidence that the amount of duty named therein is a first charge on the lands or other subjects of property after the debts and incumbrances allowed as aforesaid: Provided that any such repayment of duty by the Commissioners shall be made to the person producing to them the said certificate.

(4.) If the rateable part of the Estate duty on any property is paid by the executor, it shall where occasion requires be repaid to him by the trustees or owners of the property, but if the duty

A.D. 1894.

is on real property it may be repaid by the same instalments and with the same interest as are in this Act mentioned.

(5.) A person who pays the Estate duty on any property, shall have power, whether the property is or is not vested in him, to raise such duty by the sale or mortgage of that property or any part thereof.

(6.) A person having a limited interest in any property who pays the Estate duty on that property shall be entitled to the like charge as if the Estate duty on that property had been raised by means of a mortgage to him.

(7.) Any money arising from the sale of property subject to a settlement, or held upon trust to lay out upon the trusts of a settlement, may be expended in paying any Estate duty on property subject to the settlement.

Discharge from and Apportionment of Duty.

Release of persons paying Estate duty.

10.—(1.) The Commissioners on proof to their satisfaction that the full Estate duty has been paid on an estate or any part thereof may give a certificate to that effect, which shall discharge from any further claim for Estate duty the property shown by the certificate to form part of that estate.

(2.) Where a person accountable for the Estate duty on any property passing on a death applies after the lapse of *two years* from such death to the Commissioners, and delivers to them a full statement to the best of his knowledge and belief of all property passing on such death and the several persons entitled thereto, the Commissioners may determine the rate of the Estate duty on the property for which the applicant is accountable, and on payment of the duty at that rate, that property and the applicant so far as regards that property shall be discharged from any further claim for Estate duty, and the Commissioners shall give a certificate of such discharge.

(3.) A certificate of the Commissioners under this section shall not discharge any person or property from Estate duty in case of fraud or failure to disclose material facts, and shall not affect the rate of duty payable on any property afterwards shown to have passed on the death, and the duty thereon shall be at such rate as would be payable if the value thereof were added to the value of the property on which duty has been already paid.

Powers to accept composition for death duties.

11. Where, by reason of the number of deaths on which property has passed or of the complicated nature of the interests of different persons in property which has passed on death, it is difficult to ascertain exactly the amount of death duties or any of them payable

in respect of any property or any interest therein, or so to ascertain the same without undue expense in proportion to the value of the property or interest, the Commissioners on the application of any person accountable for any duty thereon, and upon his giving to them all the information in his power respecting the amount of the property and the several interests therein, and other circumstances of the case, may by way of composition for all the death duties payable in respect of the property and the various interests therein, or any of them, assess such sum on the value of the property as having regard to the circumstances appears proper, and may accept payment of the sum so assessed, in full discharge of all claims for death duties in respect of such property. A.D. 1894.

In this section the expression "death duties" means the Estate duty under this Act, the duties mentioned in the First Schedule to this Act and the legacy and succession duties, and the duty payable on any representation or inventory under any Act in force before the Customs and Inland Revenue Act, 1881.

Apportionment of duty.

12.—(1.) An amount equal to the proper rateable part of the Estate duty may without affecting the amount of legacy or succession duty on any legacy or succession, be recovered, as follows, namely :—

(*a*) by the executor, from any legatee or successor under a will dated after the commencement of this Part of this Act which contains no express provision to the contrary, and also under a will dated before the commencement of this Part of this Act, so far only as the amount is in excess of the rate of *three* per cent. ; and

(*b*) by the person who has paid the estate duty on any property from the person entitled to any sum charged on such property, whether as capital or as an annuity or otherwise under a disposition not containing any express provision to the contrary.

(2.) Any dispute as to the proportion of Estate duty to be borne by any property or person, may be determined by the High Court upon application by any person interested in manner directed by Rules of Court.

Small Estates.

Provision for estates under 1,000*l*. 44 & 45 Vict. c. 12.

13.—(1.) The provisions of section thirty-three of the Customs and Inland Revenue Act, 1881, relating to the procedure for obtaining representation to the deceased where the gross value of his personal estate does not exceed three hundred pounds, shall apply with the necessary modifications to the case where the net value of

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the property real or personal on which estate duty is payable on the death of the deceased, exclusive of settled property, does not exceed *one thousand pounds.*

(2.) All such property may be comprised in the notice under the said section, and for the purpose of Estate duty shall not be aggregated with any other property, but shall form an estate by itself; and where the Estate duty has been paid upon the principal value of that estate, the further Estate duty and the legacy and succession duties shall not be payable under the will or intestacy of the deceased in respect of that estate.

(3.) The sum to be deposited shall be the amount of the Estate duty, together with the fee of *fifteen shillings* for fees of court and expenses, and so much of the said section as relates to the fixed duty shall be repealed.

Rates of Estate Duty.

Scale of rates of Estate duty.

14. The rates of Estate duty shall be according to the following scale:—

Where the Principal Value of the Estate					Estate Duty shall be payable for every full Sum of 100*l.*, and for any Fractional Part of 100*l.*, over 100*l.*, or any Multiple thereof at the Rate of
	£			£	
Exceeds	100	and does not exceed		500	*One pound.*
„	500	„	„	1,000	*Two pounds.*
„	1,000	„	„	10,000	*Three pounds.*
„	10,000	„	„	25,000	*Four pounds.*
„	25,000	„	„	50,000	*Four pounds ten shillings.*
„	50,000	„	„	75,000	*Five pounds.*
„	75,000	„	„	100,000	*Five pounds ten shillings.*
„	100,000	„	„	150,000	*Six pounds.*
„	150,000	„	„	250,000	*Six pounds ten shillings.*
„	250,000	„	„	500,000	*Seven pounds.*
„	500,000	„	„	1,000,000	*Seven pounds ten shillings.*
„	1,000,000	-	-	-	*Eight pounds.*

The rate of the further Estate duty where the property is settled shall be *one* per cent. for every full sum of 100*l.*, and for any fractional part of 100*l.* over 100*l.* or any multiple thereof.

Succession Duty.

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Value of real successions for succession duty.

15.—(1.) The value for the purpose of succession duty of a succession to real property arising on the death of a deceased person shall, where the successor is competent to dispose of the property, be the principal value of the property and the duty shall be a charge thereon, and shall be payable with interest at the rate of *three* per cent. per annum from the expiration of *twelve months* after the date of the death on which the succession arose, and the provisions with respect to discount shall not apply.

Local Taxation Grant.

Adaptation of law as to probate duty grant. 51 & 52 Vict. cc. 41 and 60. 52 & 53 Vict. c. 50.

16. In substitution for the grant out of the probate duties under the Local Government Act, 1888, the Probate Duty (Scotland and Ireland) Act, 1888, and the Local Government (Scotland) Act, 1889, there shall be paid, out of the proceeds of the Estate duty, such sum as the Commissioners, in accordance with regulations made by the Treasury under those Acts, may determine to be an amount equal to *one and a half* per cent. on the net value of such of the property chargeable with Estate duty as would, if this Act had not been passed, have been chargeable with the duty imposed by section twenty-seven of the Customs and Inland Revenue Act, 1881, on Inland Revenue affidavits, and the first-mentioned Acts shall apply as if the sum so determined were the probate duty grant or *one half* of the proceeds of the sums collected in respect of the probate duties (as the case requires), within the meaning of those Acts.

Savings and Definitions.

Savings.

17.—(1.) Estate duty shall not be payable on the death of a deceased person in respect of personal property settled or by a will or disposition made by a person dying before the commencement of this Act, in respect of which property probate or account duty has been paid, unless in either case the deceased was competent to dispose of the property.

(2.) Where a person died before the commencement of this Part of this Act, the duties mentioned in the First Schedule to this Act shall continue to be payable in like manner in all respects as if this Act had not passed.

Definitions.

18.—(1.) In this Part of this Act, unless the context otherwise requires :—

The expressions " deceased person " and " the deceased " mean a person dying after the commencement of this Part of this Act.

The expression " will " includes any testamentary instrument.

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The expression "representation" means probate of a will or letters of administration.

The expression "executor" means the executor or administrator of a deceased person.

The expression "Estate duty" means Estate duty under this Act.

The expression "property" includes real property and personal property and the proceeds of sale thereof respectively and any money or investment for the time being representing the proceeds of sale.

The expression "settled property" means property comprised in a settlement.

The expression "settlement" means any instrument, whether relating to real property or personal property, which is a settlement within the meaning of section two of the Settled Land Act, 1882, or if it related to real property would be a settlement within the meaning of that section, and includes a settlement effected by a parol trust.

45 & 46 Vict. c. 38.

The expression "interest in expectancy" includes an estate in remainder or reversion and every other future interest whether vested or contingent.

The expression "incumbrances" includes mortgages and terminable charges.

The expression "property passing on the death" includes property passing either immediately on the death or after any interval, either certainly or contingently, and either originally or by way of substitutive limitation, and the expression "on the death" includes "with reference to the death."

The expression "the Commissioners" means the Commissioners of Inland Revenue.

The expression "Inland Revenue affidavit" means an affidavit made under the enactments specified in the Second Schedule to this Act with the account and schedule annexed thereto.

The expression "prescribed" means prescribed by the Commissioners.

(2.) For the purposes of this Part of this Act—

(*a*.) A person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general power as would, if he were sui juris, enable him to dispose of the property, including a tenant in tail whether in possession or not; and the expression "general power" includes every power or authority enabling the donee or other holder thereof to appoint or dispose of property as he thinks fit, whether exerciseable by instrument inter vivos or by will, or both:

(*b.*) A disposition taking effect out of the interest of the deceased person shall be deemed to have been made by him, whether the concurrence of any other person was or was not required : A.D. 1894.

(*c.*) Money which a person has a general power to charge on property shall be deemed to be property of which he has power to dispose.

(3.) This Part of this Act shall apply to property in which the wife or husband of the deceased takes an estate in dower or by the courtesy or any other like estate, in like manner as it applies to property settled by the will of the deceased.

Application to Scotland.

19. In the application of this Part of this Act to Scotland unless the context otherwise requires :— Application of Part of Act to Scotland.

(1.) The Court of Session shall be substituted for the High Court.

(2.) Confirmation shall be substituted for "representation."

(3.) The expression "receiver of the property and of the rents and profits thereof," means a judicial factor upon the property.

(4.) The expression "Inland Revenue affidavit," means the inventory of the personal estate of a deceased now required by law, and includes an additional inventory.

(5.) The expression "on delivering the Inland Revenue affidavit" means on exhibiting and recording a duly stamped inventory as provided by section thirty-eight of the Act of the forty-eighth year of the reign of King George the Third, chapter one hundred and forty-nine.

(6.) Section thirty-four of the Customs and Inland Revenue Act, 1881, shall be substituted for section thirty-three of that Act, and the Acts referred to in such section thirty-four shall extend to an estate of a net value not exceeding *one thousand pounds.*

(7.) The expression "personal property" means moveable property.

(8.) The expression "real property" includes heritable property.

(9.) The expression "incumbrance" includes any heritable security.

(10.) The expression "executor" means every person who as executor, nearest of kin, or creditor, or otherwise, intromits with or enters upon the possession or management of any personal property of a deceased person.

(11.) The property comprised in any special assignation or disposition taking effect on death shall be deemed to pass on death within the meaning of this Act.

(12.) The expression "trustee" includes a tutor, curator, and judicial factor.

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(13.) The expression "settled property" shall not include property held under entail.

(14.) An institute or heir of entail in possession of an entailed estate shall whether sui juris or not be deemed for the purposes of this Act to be a person competent to dispose of such estate.

(15.) Where any person who pays Estate duty on any property, and in whom the property is not vested, is by this Act authorised to raise such duty by the sale or mortgage of that property, or any part thereof, it shall be competent for such person to apply to the Court of Session—

(*a*) for an order of sale of the property or part of it, and in the event of the court granting such order, it shall provide for the payment out of the price of the amount of the Estate duty which has been paid by such person, and the court shall thereafter make such order as to the disposal of the surplus, if any, of the price, by way of investment or otherwise, as to the court shall seem proper; or

(*b*) for an order ordaining the person in whom the property is vested to grant a bond and disposition in security over the property in favour of the person who has paid the Estate duty, for the amount of the said duty, and if the person in whom the property is vested refuses, or fails to do so, the court shall grant authority to the clerk of court to execute such a bond and disposition in security, and such bond and disposition in security so executed shall be as valid as if it had been executed by the person in whom the estate is vested.

(16.) This Part of this Act shall apply to property in which the wife or husband of the deceased takes an estate of terce or courtesy or any other like estate in like manner as it applies to property settled by the will of the deceased.

Commencement.

Commencement of Part of Act.

20. This Part of this Act shall come into operation on the expiration of the *last day of May one thousand eight hundred and ninety-four*, in this Part of this Act referred to as the commencement of this Part of this Act.

PART II. A.D. 1894.

CUSTOMS.

Duty on tea.

21. The duty of Customs now payable on tea shall continue to be charged and paid, on and after the first day of August one thousand eight hundred and ninety-four until the *first day of August one thousand eight hundred and ninety-five*, on the importation thereof into Great Britain or Ireland (that is to say) :—

Tea, the pound - - - *Fourpence.*

Addition to customs duties on special kinds of beer.

22. In addition to the duties of Customs now payable on beer of the descriptions called mum, spruce, or black beer, imported into Great Britain or Ireland, there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four until the *first day of July one thousand eight hundred and ninety-five* the duties following ; (that is to say,)

	£	*s.*	*d.*
For every thirty-six gallons of beer where the worts thereof are or were before fermentation of a specific gravity—			
Not exceeding one thousand two hundred and fifteen degrees - - - -	*0*	*2*	0
Exceeding one thousand two hundred and fifteen degrees - - - - -	*0*	*2*	*4*

This section shall extend to Berlin white beer, and other preparations, whether fermented or not fermented, of a character similar to mum, spruce, or black beer.

Addition to customs duty on all other beer.

23. In addition to the duties of Customs now payable on every description of beer (other than is specified in the last preceding section) imported into Great Britain or Ireland, there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four until the *first day of July one thousand eight hundred and ninety-five* the duty following ; (that is to say,)

	£	*s.*	*d.*
For every thirty-six gallons where the worts thereof were before fermentation of a specific gravity of—			
One thousand and fifty-five degrees - -	*0*	*0*	*6*

and there shall be allowed and paid in and for the same period in respect of all such beer a similar addition to the drawback granted on exportation, shipment for use as stores or removal to the Isle of

A.D. 1894. 44 & 45 Vict. c. 12.

Man, by section four of the Customs and Inland Revenue Act, 1881. And so, as to both duty and drawback, in proportion for any difference in gravity.

Additional duties of Customs on spirits.

24. In addition to the duties of Customs now payable on spirits imported into Great Britain or Ireland there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four until the *first day of July one thousand eight hundred and ninety-five* the duties following; (that is to say,)

	£	s.	d.
For every gallon, computed at proof, of spirits of any description (except perfumed spirits) including naphtha or methylic alcohol, purified so as to be potable, and mixtures and preparations containing spirits	0	0	6
For every gallon of perfumed spirits	0	0	10
For every gallon of liqueurs, cordials, mixtures, and other preparations entered in such a manner as to indicate that the strength is not to be tested	0	0	8

Alteration of Customs duties on certain goods containing spirits

And the duties of Customs on the articles herein-after mentioned, being articles of which spirits are a part or ingredient, shall be proportionately increased, and there shall accordingly be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four, until the *first day of July one thousand eight hundred and ninety-five* the duties following; (that is to say,)

		£	s.	d.
Chloral hydrate	the pound	0	1	4
Chloroform	the pound	0	3	3
Collodion	the gallon	1	6	3
Ether, acetic	the pound	0	1	11
Ether, butyric	the gallon	0	16	5
Ether, sulphuric	the gallon	1	7	5
Ethyl, iodide of	the gallon	0	14	3

PART III.

Excise.

Additional duty of excise on beer.

25. In addition to the duty of excise now payable in respect of beer brewed in the United Kingdom there shall be charged and paid on and after the seventeenth day of April one thousand eight

hundred and ninety-four, until the *first day of July one thousand eight hundred and ninety-five*— A.D. 1894.

For every thirty-six gallons of worts of a specific gravity of one thousand and fifty-five degrees the duty of *sixpence*,

and so in proportion for any difference in quantity or gravity.

Additional excise drawback on beer.

26. In addition to the drawback of excise now payable in respect of beer exported from the United Kingdom as merchandize or shipped for use as ship's stores there shall be allowed and paid in respect of beer brewed in the United Kingdom between the sixteenth day of April one thousand eight hundred and ninety-four, and the *first day of July one thousand eight hundred and ninety-five*—

For every thirty-six gallons of beer of an original gravity of one thousand and fifty-five degrees the drawback of *sixpence*,

and so in proportion for any difference in quantity or gravity.

Additional duty of excise on spirits.

27. In addition to the duty of excise now payable for every gallon computed at proof of spirits distilled in the United Kingdom, there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four, until the *first day of July one thousand eight hundred and ninety-five*, the duty of *sixpence*, and so in proportion for any less quantity.

Additional duties to be added to the price of articles contracted for.

28. Where, before the seventeenth day of April one thousand eight hundred and ninety-four, any person shall have contracted for the sale of spirits or beer without reference to the duties of excise thereon granted by this Act, it shall be lawful for such person, and he is hereby authorised to receive from the purchaser, and sue for and recover the equivalent in money of the excess of such duties over the duties which would have been payable if this Act had not been passed.

PART IV.

Income Tax.

Grant of duties of income tax. 16 & 17 Vict. c. 34.

29.—(1.) There shall be charged, collected, and paid for the year which commenced on the sixth day of April one thousand eight hundred and ninety-four, in respect of all property, profits, and gains mentioned or described as chargeable in the Income Tax Act, 1853, the following duties of income tax; (that is to say,)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act the duty of *eightpence*:

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And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act—

In England the duty of *fourpence* :

In Scotland and Ireland respectively, the duty of threepence.

(2.) All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and ninety-four shall have full force and effect with respect to the duties of income tax hereby granted so far as the same are consistent with this Act.

Exemption where income does not exceed 160*l.* and abatement where income does not exceed 500*l.* 39 & 40 Vict. c. 16.

30. The provisions of the Income Tax Acts with respect to the exemption granted to persons whose respective incomes are less than one hundred and fifty pounds a year, shall extend to persons whose respective incomes do not exceed *one hundred and sixty pounds* a year, and in lieu of the relief or abatement from income tax granted by section eight of the Customs and Inland Revenue Act, 1876, to persons whose respective incomes are less than four hundred pounds a year, the following provisions shall have effect :—

Any person who shall be assessed or charged to any of the duties of income tax granted by this Act, or who shall have paid the same either by deduction or otherwise, and who shall claim and prove in the manner prescribed by the Income Tax Acts, that his total income from all sources, although exceeding one hundred and sixty pounds or upwards, does not exceed *five hundred pounds*, shall be entitled to relief or abatement as follows :—

(*a.*) If the total income of such person does not exceed *four hundred pounds*, to relief from so much of the said duties assessed upon or paid by him as an assessment or charge upon *one hundred and sixty pounds* of his income would amount to ; and

(*b.*) If the total income of such person exceeds four hundred pounds, and does not exceed *five hundred pounds*, to the relief from so much of the said duties assessed upon or paid by him as an assessment or charge upon *one hundred pounds* of his income would amount to.

Relief in respect of income tax under Schedule A.

31. In respect of the income tax hereby imposed under Schedule A., where the tax is charged upon annual value under the General Rule, No. 1, section sixty of the Income Tax Act, 1842, and

is to be charged on and paid by the occupier under the provisions of that Act the following provisions shall have effect:—

5 & 6 Vict. c. 35.

(*a.*) In the case of an assessment on lands inclusive of the farmhouse and other buildings (if any), the amount of the assessment shall, for the purpose of collection, be reduced by a sum equal to *one-tenth* part thereof; and

(*b.*) In the case of an assessment upon any house or building (except a farmhouse or building included with lands in assessment), the amount of the assessment shall, for the purposes of collection, be reduced—

(i.) Where the owner is occupier, or where a tenant is occupier and the landlord undertook to bear the cost of repairs, by a sum equal to *one-sixth* part of that amount; and

(ii.) Where a tenant is occupier, and he undertook to bear the cost of repairs, by such a sum not exceeding *one-sixth* part of that amount as may be necessary to reduce it to the amount of rent payable by him.

(*c.*) As between the owner and a mortgagee of his property, or any person having a charge thereon or entitled to any ground-rent, rentcharge, annuity, or other annual sum payable thereout, the owner's right of deduction under the Income Tax Acts in respect of income tax shall be in no wise prejudiced or affected by the relief afforded by this section.

Exemption of income tax in favour of savings banks. 26 & 27 Vict. c. 87.

32.—(1.) Any penny savings bank, or other bank for savings, whether certified under the Savings Bank Act, 1863, or not, shall be entitled to exemption from income tax chargeable under Schedules C. and D. of the Acts relating to income tax in respect of the income of the funds of the savings bank, so far as it is applied in the payment or credit of interest to any depositor not exceeding the sum of *three pounds* in the year for which exemption is claimed.

(2.) The exemption shall be claimed, proved, and allowed in the same manner as is prescribed by law in the case of income applicable and applied to charitable purposes.

(3.) Provided that where interest is paid, or dividends or interest are or is credited without deduction of income tax to a depositor in any savings bank whose income amounts to *one hundred and fifty pounds* a year or upwards such interest, or dividends or interest, as the case may be, shall be accounted for and charged under the third case of Schedule D. under which profits of an uncertain annual value are directed to be charged.

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Assessment of income tax under Schedules (A.) and (B.) and of the inhabited house duties for the year 1894–95.

33.—(1.) The sum charged as the annual value of any property elsewhere than in the metropolis as defined by the Valuation (Metropolis) Act, 1869, in the assessment of income tax thereon for the year which commenced on the sixth day of April one thousand eight hundred and ninety-three, shall be taken as the annual value of such property for the assessment and charge thereon of the duties of income tax hereby granted under Schedules (A.) and (B.).

32 & 33 Vict. c. 67.

(2.) The sum charged as the annual value of every inhabited house elsewhere than in the said metropolis made thereon for the year which commenced as respects England on the sixth day of April one thousand eight hundred und ninety-three, and as respects Scotland on the twenty-fifth day of May one thousand eight hundred and ninety-three, shall be taken as the annual value of the inhabited house for the assessment and charge thereon of the duties on inhabited houses as respects England for the year which commenced on the sixth day of April one thousand eight hundred and ninety-four, and as respects Scotland for the year commencing on the twenty-fifth day of May one thousand eight hundred and ninety-four.

(3.) The inspectors or surveyors of taxes shall be the assessors of the said duties of income tax under Schedules (A.) and (B.), and of the said duties on inhabited houses.

Provisions as to duty on dividends, &c., paid prior to the passing of this Act.

34.—(1.) Where, in the case of any dividends, interest, or other annual profits or gains due or payable half yearly or quarterly in the course of the said year which commenced on the sixth day of April one thousand eight hundred and ninety-four, any half yearly or quarterly payments shall have been made prior to the *passing of this Act*, the duty of income tax hereby granted, or so much by relation to such duty as shall not have been charged thereon or deducted therefrom shall be charged under Schedule D. in respect of such payments as profits or gains not charged by virtue of any other schedule in conformity with the provision contained in the sixth case of Schedule D., in section one hundred of the Income Tax Act, 1842, and the agents entrusted with the payment of the dividends, interest, or other annual profits or gains, shall furnish a list containing the names and addresses of the persons to whom payments have been made, and the amount of such payments, to the Commissioners of Inland Revenue upon a requisition in that behalf.

5 & 6 Vict. c. 35.

(2.) Where any person liable to pay any rent, interest, annuity, or other annual payment in the course of the said year shall, on making any such payment prior to the *passing of this Act*, have

not made any deduction or have made an insufficient deduction in respect of the duty of income tax hereby granted he shall be authorised to make the deduction or make up the deficiency on the occasion of the next payment in addition to any other deduction which he may by law be authorised to make.

(3.) The charge or deduction of the duty of income tax at a rate not exceeding the rate hereby granted in the case of any payment made in the course of the said year prior to the *passing of this Act* shall be deemed to have been a legal charge or deduction.

PART V.

Miscellaneous.

Composition for certain Stamp Duties.

Extension of 54 & 55 Vict. c. 39. s. 114.

35. The provisions contained in section one hundred and fourteen of the Stamp Act, 1891, in reference to the composition for stamp duty chargeable on transfers of certain stocks shall extend to the stock of any foreign state or government which is inscribed in the books of the Bank of England.

Exemption of Coupons from Stamp Duty.

Exemption of coupons.

36. A coupon for interest on a marketable security as defined by the Stamp Act, 1891, being one of a set of coupons whether issued with the security or subsequently issued in a sheet, shall not be chargeable with any stamp duty.

Part VI.

Imperial and Naval Defence Loans.

Alteration of Imperial and Naval Defence Acts.

37.—(1.) All dividends or other moneys received by the Treasury after the *first day of July one thousand eight hundred and ninety-four* in respect of Suez Canal shares shall be paid into the Exchequer.

(2.) The sum by which the aggregate payments made to the Naval Defence Account under section two of the Naval Defence Act, 1889, before the thirty-first day of March one thousand eight hundred and ninety-four, exceed the authorised expenditure of ten million pounds, or any less sum which on the completion of the

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contract vessels has been actually expended on those vessels, shall be paid from that account into the Exchequer, and the instalments payable to the said account under the said section shall cease after the said day to be payable.

51 & 52 Vict. c. 32. 52 & 53 Vict. c. 8. 56 & 57 Vict. c. 45.

(3.)—(*a.*) The old sinking fund and the new sinking fund may, notwithstanding anything in the Imperial Defence Act, 1888, and the Naval Defence Acts, 1889 and 1893, and in addition to any other mode of application, be applied in paying off all or any part of the loan of two million six hundred thousand pounds borrowed under Part II. of the Imperial Defence Act, 1888 (in this Act referred to as the Imperial Defence Loan), and of the loan of three million one hundred and forty-six thousand pounds borrowed under the Naval Defence Act, 1889 (in this Act referred to as the Naval Defence Loan);

(*b.*) The interest on the Imperial Defence Loan and the Naval Defence Loan, or on such part thereof as is for the time being outstanding, shall, so far as it would, but for this section, come into course of payment out of the moneys provided by Parliament for army services or naval services, be paid out of the permanent annual charge for the National Debt, and the Treasury shall, so far as regards any payments already made, make such adjustments as appear to them necessary for carrying into effect this section.

(4.) Nothing in this section, nor any repeal by this section, shall affect the charge on the Consolidated Fund of any loan, so far as the same is required for the purpose of repaying the principal or interest of such loan to the holder of the security for the same.

(5.) The Acts specified in the Third Schedule to this Act are hereby repealed to the extent and from the dates in the third column of that schedule mentioned.

Short Title.

Short title.

38. This Act may be cited as the Finance Act, 1894.

SCHEDULES.

FIRST SCHEDULE.

EXISTING DUTIES REFERRED TO.

Clauses 1 and 11.

1. The stamp duties imposed by the Customs and Inland Revenue Act, 1881, on the affidavit to be required and received from the person applying for probate or letters of administration in England or Ireland, or on the inventory to be exhibited and recorded in Scotland.

2. The stamp duties imposed by section 38 of the Customs and Inland Revenue Act, 1881, as amended and extended by section 11 of the Customs and Inland Revenue Act, 1889, on the value of personal or moveable property to be included in accounts thereby directed to be delivered.

3. The additional succession duties imposed by section 21 of the Customs and Inland Revenue Act, 1888.

4. The temporary estate duties imposed by sections 5 and 6 of the Customs and Inland Revenue Act, 1889.

5. The duty at the rate of one pound per centum, which would by virtue of the Acts in force relating to legacy duty or succession duty have been payable under the will or intestacy of the deceased or on his death under his disposition or any devolution from him.

SECOND SCHEDULE.

ACTS REFERRED TO.

Clause 18.

Session and Chapter.	Title or Short Title.	Section referred to.
55 Geo. 3. c. 184. -	The Stamp Act, 1815 - -	Section thirty-eight.
56 Geo. 3. c. 56. -	An Act the title of which begins with the words "An Act to "repeal the several stamp "duties" and ends with the words "managing the said "duties."	Section one hundred and seventeen.
43 & 44 Vict. c. 14. -	The Customs and Inland Revenue Act, 1880.	Section ten.
44 & 45 Vict. c. 12. -	The Customs and Inland Revenue Act, 1881.	Sections twenty-nine and thirty-two.

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THIRD SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 32. -	The Imperial Defence Act, 1888.	The whole of Part Two and section eleven, from "The expression Treasury" to "Admiral," from "the expression Suez" to "1876," and from "The expression Exchequer" to the end of the section, as from the passing of this Act.
52 & 53 Vict. c. 8. -	The Naval Defence Act, 1889.	The whole Act as from the following dates: Section two, from "To provide such money" to "Exchequer," being sub-sections two to five, as from the end of the last financial year before the passing of this Act, and from "the principal of all securities" to the end of the section, being sub-sections six, seven, and eight, as from the 31st of December one thousand eight hundred and ninety-two; section five, as from the completion of the audit therein mentioned; and the residue as from the end of the present financial year.
56 & 57 Vict. c. 45.	The Naval Defence Act, 1893.	The whole Act as from the end of the present financial year.

Finance.

A

B I L L

To grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Law relating to Customs and Inland Revenue, and to make other provision for the financial arrangements of the year.

(Prepared and brought in by Mr. Mellor, Mr. Chancellor of the Exchequer, and Sir John Hibbert.)

Ordered, by The House of Commons, *to be Printed, 25 April* 1894.

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[Bill 190.]

Finance Bill.

[AS AMENDED IN COMMITTEE.]

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B I L L

[AS AMENDED IN COMMITTEE]

TO

Grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Law relating to Customs and Inland Revenue, and to make other provision for the financial arrangements of the year. A.D. 1894.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

Estate Duty.

Grant of Estate Duty.

1. In the case of every person dying after the commencement of this Part of this Act, there shall, save as herein-after expressly provided, be levied and paid, upon the principal value ascertained as herein-after provided of all property, real or personal, settled or not settled, which passes on the death of such person a duty, called Grant of Estate duty.

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"Estate duty," at the graduated rates herein-after mentioned, and the existing duties mentioned in the First Schedule to this Act shall not be levied in respect of property chargeable with such Estate duty.

What property is deemed to pass.

2.—(1.) Property passing on the death of the deceased shall be deemed to include the property following, that is to say:—

(*a.*) Property of which the deceased was at the time of his death competent to dispose;

(*b.*) Property in which the deceased or any other person had an interest ceasing on the death of the deceased, to the extent to which a benefit accrues or arises by the cesser of such interest, but exclusive of property the interest in which of the deceased or other person was only an interest as holder of an office or recipient of the benefits of a charity, or as a corporation sole;

(*c.*) Property which would be required on the death of the deceased to be included in an account under section thirty-eight of the Customs and Inland Revenue Act, 1881, as amended by section eleven of the Customs and Inland Revenue Act, 1889, if those sections were herein enacted and extended to real property as well as personal property, and the words "voluntary" and "voluntarily" and a reference to a "volunteer" were omitted therefrom; and

44 & 45 Vict. c. 12.
52 & 53 Vict. c. 7.

(*d.*) Any annuity or other interest purchased or provided by the deceased, either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased;

and all property passing on the death of the deceased when situate out of the United Kingdom shall be included only if it is liable to legacy or succession duty, or would be so liable but for the relationship of the person to whom it passes.

(2.) Property passing on the death of the deceased shall not include property held by the deceased as trustee for another person under a disposition not made by the deceased.

Exception for transactions for money consideration.

3.—(1.) Estate duty shall not be payable in respect of property passing on the death of the deceased by reason only of a bonâ fide purchase from the person under whose disposition the property passes, nor in respect of the falling into possession of the reversion on any lease for lives, nor in respect of the determination of any annuity for lives, where such purchase was made, or such lease or

annuity granted, for full consideration in money or money's worth paid to the vendor or grantor for his own use or benefit.

(2.) Where any such purchase was made, or lease or annuity granted, for partial consideration in money or money's worth paid to the vendor or grantor for his own use or benefit, the value of the consideration shall be allowed as a deduction from the value of the property for the purpose of Estate duty.

Aggregation of property to form one estate for purpose of duty.

4. For determining the rate of Estate duty to be paid on any property liable to such duty passing on the death of the deceased, all property so passing shall be aggregated so as to form one estate, and the duty shall be levied at the proper graduated rate on the principal value thereof:

Provided that any property so passing in which the deceased never had an interest or which under a disposition not made by the deceased passes immediately on the death of the deceased to some person other than the wife, or husband, or a lineal ancestor, or lineal descendant of the deceased, shall not be aggregated with any other property, but shall be an estate by itself, and the Estate duty shall be levied at the proper graduated rate on the principal value thereof; but if any benefit under a disposition not made by the deceased is reserved or given to the wife, or husband, or a lineal ancestor, or lineal descendant of the deceased, such benefit shall be aggregated with property of the deceased for the purpose of determining the rate of Estate duty.

Settled property.

5.—(1.) Where property liable to Estate duty is settled by the will of the deceased, or after his death remains settled by virtue of any disposition—

(*a*) a further Estate duty on the principal value of the settled property shall be levied at the rate herein-after specified; but

(*b*) if Estate duty has already been paid in respect of such settled property since the date of the settlement, neither the Estate duty nor the further Estate duty shall be again payable in respect thereof, unless the deceased was at the time of his death or had been at any time competent to dispose of such property, but during the continuance of any settlement the further Estate duty shall not be payable more than once; and

(*c*) if the only life interest in such property arising on the death of the deceased be that of the husband or wife of the deceased, the further Estate duty shall not be payable.

(2.) In the case of settled property where the interest of any person under the settlement fails or determines by reason of his

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death before it becomes an interest in possession, and subsequent limitations under the settlement continue to subsist, the property shall not be deemed to pass on his death.

(3.) Any person paying the further Estate duty payable under this section upon property comprised in a settlement, may deduct the amount of the ad valorem stamp duty (if any) charged on the settlement.

Collection and Recovery of Duty and Value of Property.

Collection and recovery of Estate duty.

6.—(1.) Estate duty shall be a stamp duty, collected and recovered as herein-after mentioned.

(2.) The executor of the deceased shall pay the Estate duty in respect of all personal property (wheresoever situate) of which the deceased was competent to dispose at his death, on delivering the Inland Revenue affidavit, and may pay in like manner the Estate duty on any other property passing on such death, which by virtue of any testamentary disposition of the deceased is under the control of the executor, or in the case of property not under his control, if the persons accountable for the duty thereon request him to make such payment.

(3.) Where the executor does not know the amount or value of any property which has passed on the death, he may state in the Inland Revenue affidavit that such property exists but he does not know the amount or value thereof, and that he undertakes as soon as the amount and value are ascertained, to bring in an account thereof, and to pay both the duty for which he is or may be liable, and any further duty payable by reason thereof, for which he is or may be liable, on the other property mentioned in the affidavit.

(4.) Estate duty, so far as not paid by the executor, shall be collected upon an account setting forth the particulars of the property, and delivered to the Commissioners within six months after the death by the person accountable for the duty, or within such further time as the Commissioners may allow.

(5.) Every estate shall include all income received or accrued from or upon the property included therein until the date of the death of the deceased, with interest at the rate of three per cent. per annum on the total value of the Estate duty so ascertained up to the date of delivery of the Inland Revenue affidavit or account, or the expiration of six months after the death, whichever shall first happen, but such interest shall not be included in calculating the aggregate of the estate for the purpose of determining the rate of duty; and the duty upon an account shall be paid on the

delivery of the account, or the expiration of six months from the death, whichever first happens, by the person accountable for the same; except that the duty on an account of real property may be paid either on the delivery of the account, or the expiration of six months from the death, whichever first happens, or at the option of the person accountable for the duty, with interest from the date of such delivery or the expiration of six months from the death, whichever first happens, at the rate of three per cent. per annum, less income tax, by eight equal yearly instalments, the first of which shall be paid at the expiration of twelve months from the death, with the said interest; and the interest on the unpaid portion of the duty shall be added to each instalment and paid accordingly, and in the event of non-payment shall be part of the instalment in arrear; but at any time the duty for the time being unpaid may be paid with such interest to the date of payment.

Value of property.

7.—(1.) In determining the value of an estate for the purpose of Estate duty allowance shall be made for reasonable funeral expenses, and for debts and incumbrances; but an allowance shall not be made—

(*a*) for debts incurred by the deceased, or incumbrances created by a disposition made by the deceased, where such debts or incumbrances were incurred or created otherwise than bonâ fide for full consideration in money or money's worth wholly for the deceased's own use or benefit and take effect out of his interest, nor

(*b*) for any debt in respect whereof there is a right to reimbursement from any other estate or person, unless such reimbursement cannot be obtained, nor

(*c*) more than once for the same debt or incumbrance charged upon different portions of the estate.

and any debt or incumbrance for which an allowance is made shall be deducted from the value of the property liable thereto.

(2.) An allowance shall not be made in the first instance for debts due from the deceased to persons resident out of the United Kingdom, unless contracted to be paid in the United Kingdom, or charged on property situate within the United Kingdom, except out of the value of any personal property of the deceased situate out of the United Kingdom on which Estate duty is paid; and there shall be no repayment of Estate duty in respect of any such debts except to the extent to which it is shown to the satisfaction of the Commissioners that the personal property of the deceased situate out of the United Kingdom is insufficient for their payment.

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(3.) The principal value of any property shall be estimated to be the price which, in the opinion of the Commissioners, such property would fetch if sold in the open market at the time of the death of the deceased ;

Provided that, in the case of any agricultural property, where no part of the principal value is due to the expectation of an increased income from such property, the principal value shall not exceed twenty-five times the annual value as assessed under Schedule A. of the Income Tax Acts, after making such deductions as have not been allowed in that assessment and are allowed under the Succession Duty Act, 1853, and making a deduction for expenses of management not exceeding five per cent. of the annual value so assessed.

16 & 17 Vict. c. 51.

(4.) Where an estate includes an interest in expectancy, Estate duty in respect of that interest shall be paid, at the option of the person accountable for the duty, either with the duty on the rest of the estate or when the interest falls into possession, and if the duty is not paid with the Estate duty on the rest of the estate, then—

(*a*) for the purpose of determining the rate of Estate duty in respect of the rest of the estate the value of the interest shall be its value at the date of the payment of the duty on the rest of the estate ; and

(*b*) the rate of Estate duty upon the interest when it falls into possession shall be calculated according to its value at that time together with the value of the rest of the estate as originally ascertained.

(5.) The value of the benefit accruing or arising from the cesser of the interest of a deceased person in any property shall—

(*a*) if the interest extended to the whole income of the property, be the principal value of that property ; and

(*b*) if the interest extended to less than the whole income of the property, be the principal value of an addition to the property equal to the income to which the interest extended.

(6.) Estate duty shall not be payable upon any advowson or church patronage which would have been free from succession duty under the twenty-fourth section of the Succession Duty Act, 1853.

16 & 17 Vict. c. 51.

(7.) Subject to the provisions of this Act, the value of any property for the purpose of Estate duty shall be ascertained by the Commissioners in such manner and by such means as they think fit, and, if they authorise a person to inspect any property and report to them the value thereof for the purposes of this Act, the person having the custody or possession of that property shall

permit the person so authorised to inspect it at such reasonable times as the Commissioners consider necessary. A.D. 1894.

Supplemental provisions as to collection and recovery of Estate duty.

8.—(1.) The existing law and practice relating to any of the duties now leviable on or with reference to death shall, subject to the provisions of this Act and so far as the same are applicable, apply for the purposes of the collection, recovery, and repayment of Estate duty, and for the exemption of the property of common seamen, marines, or soldiers who are slain or die in the service of Her Majesty, as if such law and practice were in terms made applicable to this Part of this Act.

(2.) The executor of the deceased shall, to the best of his knowledge and belief, specify in appropriate accounts annexed to the Inland Revenue affidavit, all the property in respect of which Estate duty is payable upon the death of the deceased, and shall be accountable for the Estate duty on all personal property wheresoever situate of which the deceased was competent to dispose at his death, but shall not be liable for any duty in excess of assets of which he has control.

(3.) Where property passes on the death of the deceased, and his executor is not accountable for the Estate duty thereon, every person to whom any property so passes for any beneficial interest in possession, and also, to the extent of the property actually received or disposed of by him, every trustee, guardian, committee, or other person in whom any interest in the property so passing or the management thereof is at any time vested, and every person in whom the same is vested in possession by alienation or other derivative title shall be accountable for the Estate duty on the property, and shall, within the time required by this Act or such later time as the Commissioners allow, deliver to the Commissioners and verify an account, to the best of his knowledge and belief, of the property.

(4.) Every person accountable for Estate duty, and every person whom the Commissioners believe to have taken possession of or administered any part of the estate of the deceased or of the income thereof shall, to the best of his knowledge and belief, if required by the Commissioners, deliver to them and verify a statement of such particulars and evidence as they require relating to any property which they have reason to believe to form part of an estate liable to Estate duty on the death of the deceased.

(5.) A person who wilfully fails to comply with any of the foregoing provisions of this section shall be liable to pay one hundred pounds, or if Estate duty is payable, a sum equal to double the amount of the Estate duty remaining unpaid for which he is

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accountable, according as the Commissioners elect. Provided that the Commissioners, or, in any proceeding for the recovery of such penalty, the Court, shall have power to reduce any such penalty.

(6.) Estate duty shall, in the first instance, be calculated at the appropriate rate according to the value of the estate as set forth in the Inland Revenue affidavit or account delivered, but if afterwards it appears that for any reason too little duty has been paid, the additional duty shall, unless a certificate of discharge has been delivered under this Act, be payable, and be treated as duty in arrear.

(7.) Where the Commissioners are satisfied that the Estate duty on any property cannot be raised at once, they may allow payment to be postponed for such period, to such extent, and on payment of such interest not exceeding four per cent., or any higher interest yielded by the property, and on such terms, as the Commissioners think fit.

(8.) Interest on arrears of estate duty shall be paid as if they were arrears of legacy duty.

(9.) Where it is proved to the satisfaction of the Commissioners that too much Estate duty has been paid, the excess shall be repaid by them with interest at three per cent. per annum in cases where the over-payment was due to over-valuation by the Commissioners, but any person aggrieved by a decision of the Commissioners under this sub-section may appeal to the High Court within the time, and in the manner, and on the conditions directed by rules of Court, and the Court shall thereupon determine the amount, if any, to be repaid by the Commissioners.

(10.) Where any proceeding for the recovery of Estate duty in respect of any property is instituted, the High Court shall have jurisdiction to appoint a receiver of the property and the rents and profits thereof, and to order a sale of the property.

(11.) All affidavits, accounts, certificates, statements, and forms used for the purpose of this Part of this Act shall be in such form, and contain such particulars, as may be prescribed, and if so required by the Commissioners shall be in duplicate, and accounts and statements shall be delivered and verified on oath and by production of books and documents in the manner prescribed, and any person who wilfully fails to comply with the provisions of this enactment shall be liable to the penalty above in this section mentioned.

(12.) No charge shall be made for any certificate given by the Commissioners under this Act.

(13.) The Estate duty may be collected by means of stamps or such other means as the Commissioners prescribe.

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Charge of Estate duty on property, and facilities for raising it.

9.—(1.) A rateable part of the Estate duty on an estate in proportion to the value of any property which does not pass to the executor as such, shall be a first charge on the property in respect of which duty is leviable.

(2.) On an application submitting in the prescribed form the description of the lands or other subjects of property (whether hereditaments, stocks, funds, shares, or securities), and of the debts and incumbrances allowed by the Commissioners in assessing the value of the property for the purposes of Estate duty, the Commissioners shall grant a certificate of the Estate duty paid on the property, and specify the debts and incumbrances so allowed, as well as the lands or other subjects of property.

(3.) Subject to any repayment of Estate duty arising from want of title to the land or other subjects of property, or from the existence of any debt or incumbrance thereon for which under this Act an allowance ought to have been but has not been made, or from any other cause, the certificate of the Commissioners shall be conclusive evidence that the amount of duty named therein is a first charge on the lands or other subjects of property after the debts and incumbrances allowed as aforesaid: Provided that any such repayment of duty by the Commissioners shall be made to the person producing to them the said certificate.

(4.) If the rateable part of the Estate duty on any property is paid by the executor, it shall where occasion requires be repaid to him by the trustees or owners of the property, but if the duty is on real property it may be repaid by the same instalments and with the same interest as are in this Act mentioned.

(5.) A person authorised or required to pay the Estate duty on any property shall, for the purpose of paying the duty, have power, whether the property is or is not vested in him, to raise the amount of such duty and any interest and expenses properly paid or incurred by him in respect thereof by the sale or mortgage of that property or any part thereof.

(6.) A person having a limited interest in or a terminable charge on any property who pays the Estate duty on that property shall be entitled to the like charge as if the Estate duty on that property had been raised by means of a mortgage to him.

(7.) Any money arising from the sale of property subject to a settlement, or held upon trust to lay out upon the trusts of a settlement, and capital money arising under the Settled Land Act, 1882, may be expended in paying any Estate duty on property subject to the settlement and held upon the same trusts.

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Appeal from Commissioners.

10.—(1.) Any person aggrieved by the amount of duty claimed by the Commissioners, whether on the ground of the value of any property or the rate charged or otherwise, may, on payment of or giving security to the satisfaction of the Court for the duty claimed by the Commissioners, or such portion of it as is then payable by him, appeal to the High Court within the time and in the manner and on the conditions directed by rules of Court, and the amount of duty shall be determined by the High Court, and if the duty as determined is less than that paid to the Commissioners the excess shall be repaid.

(2.) The county council of every county or county borough in Great Britain, shall within twelve months after the commencement of this Act, and may thereafter from time to time, appoint a sufficient number of qualified persons to act as valuers for the purposes of this Act in their respective counties, and shall fix a scale of charges for the remuneration of such persons, and the Court may refer any question of disputed value under this section to the arbitration of any person so appointed for the county in which the appellant resides or the property is situate; and the costs of any such arbitration shall be part of the costs of the appeal.

(3.) The costs of the appeal shall be in the discretion of the Court, and the Court, where it appears to the Court just, may order the Commissioners to pay on any excess of duty repaid by them interest at the rate of three per cent. per annum for such period as appears to the Court just.

(4.) Provided that the High Court, if satisfied that it would be unjust to require the appellant to pay the whole of the duty claimed as a condition of an appeal, may allow an appeal to be brought on payment of or security being given for such portion of that duty as to the Court seems reasonable; but in such case the Court may order interest at the rate of three per cent. to be paid on the unpaid duty so far as it becomes payable under the decision of the Court.

(5.) Where the value as alleged by the Commissioners of the property in respect of which the dispute arises does not exceed ten thousand pounds, the appeal under this section may be to the county court for the county or place in which the appellant resides or the property is situate, and this section shall for the purpose of the appeal apply as if such county court were the High Court.

Discharge from and Apportionment of Duty.

Release of persons paying Estate duty.

11.—(1.) The Commissioners on being satisfied that the full Estate duty has been or will be paid on an estate or any part

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thereof shall, if required by the person accountable for the duty, give a certificate to that effect, which shall discharge from any further claim for Estate duty the property shown by the certificate to form the estate or part thereof as the case may be.

(2.) Where a person accountable for the Estate duty on any property passing on a death applies after the lapse of two years from such death to the Commissioners, and delivers to them a full statement to the best of his knowledge and belief of all property passing on such death and the several persons entitled thereto, the Commissioners may determine the rate of the Estate duty on the property for which the applicant is accountable, and on payment of the duty at that rate, that property and the applicant so far as regards that property shall be discharged from any further claim for Estate duty, and the Commissioners shall give a certificate of such discharge.

(3.) A certificate of the Commissioners under this section shall not discharge any person or property from Estate duty in case of fraud or failure to disclose material facts, and shall not affect the rate of duty payable on any property afterwards shown to have passed on the death, and the duty thereon shall be at such rate as would be payable if the value thereof were added to the value of the property on which duty has been already paid:

Provided nevertheless that a certificate purporting to be a discharge of the whole Estate duty payable in respect of any property included in the certificate shall exonerate a bonâ fide purchaser for valuable consideration without notice from the duty notwithstanding any such fraud or failure.

Commutation of duty on interest in expectancy.

12. The Commissioners in their discretion, upon application by a person entitled to an interest in expectancy, may commute the Estate duty which would or might, but for the commutation, become payable in respect of such interest for a certain sum to be presently paid, and for determining that sum shall cause a present value to be set upon such duty, regard being had to the contingencies affecting the liability to and rate and amount of such duty; and interest being reckoned at three per cent., and on the receipt of such sum they shall give a certificate of discharge accordingly.

Powers to accept composition for death duties.

13. Where, by reason of the number of deaths on which property has passed or of the complicated nature of the interests of different persons in property which has passed on death, or from any other cause, it is difficult to ascertain exactly the amount of death duties or any of them payable in respect of any property or any interest therein, or so to ascertain the same without undue expense in pro-

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portion to the value of the property or interest, the Commissioners on the application of any person accountable for any duty thereon, and upon his giving to them all the information in his power respecting the amount of the property and the several interests therein, and other circumstances of the case, may by way of composition for all or any of the death duties payable in respect of the property, or interest, and the various interests therein, or any of them, assess such sum on the value of the property, or interest, as having regard to the circumstances appears proper, and may accept payment of the sum so assessed, in full discharge of all claims for death duties in respect of such property, or interest.

In this section the expression "death duties" means the Estate duty under this Act, the duties mentioned in the First Schedule to this Act and the legacy and succession duties, and the duty payable on any representation or inventory under any Act in force before the Customs and Inland Revenue Act, 1881.

Apportionment of duty.

14.—(1.) In the case of property which does not pass to the executor as such an amount equal to the proper rateable part of the Estate duty may be recovered, as follows, namely :—

By the person who being accountable for or authorised or required to pay the Estate duty on any property has paid such duty from the person entitled to any sum charged on such property, whether as capital or as an annuity or otherwise under a disposition not containing any express provision to the contrary.

(2.) Any dispute as to the proportion of Estate duty to be borne by any property or person, may be determined by the High Court upon application by any person interested in manner directed by Rules of Court.

Exemptions from Estate duty.

15. Estate duty shall not be payable in respect of a single annuity not exceeding twenty-five pounds purchased or provided by the deceased, either by himself alone or in concert or arrangement with any other person, for the life of himself and of some other person, and the survivor of them, or to arise on his own death in favour of some other person; and if in any case there is more than one such annuity, the annuity first granted shall be alone entitled to the exemptions under this section.

Small Estates.

Provision for estates under 1,000*l.* 44 & 45 Vict. c. 12.

16.—(1.) The provisions of sections thirty-three, thirty-five, and thirty-six of the Customs and Inland Revenue Act, 1881, relating to the procedure for obtaining representation to the deceased where

the gross value of his personal estate does not exceed three hundred pounds, shall apply with the necessary modifications to the case where the gross value of the property real and personal on which estate duty is payable on the death of the deceased, exclusive of settled property, does not exceed five hundred pounds, and where the gross value does not exceed three hundred pounds, the fixed duty shall be thirty shillings, and where the gross value exceeds three hundred pounds, the fixed duty shall be fifty shillings.

(2.) All such property may be comprised in the notice under the said section.

(3.) Where the net value of the property, real and personal, on which estate duty is payable on the death of the deceased, exclusive of settled property, does not exceed one thousand pounds, such property, for the purpose of Estate duty, shall not be aggregated with any other property, but shall form an estate by itself; and where the fixed duty or Estate duty has been paid upon the principal value of that estate, the further Estate duty and the legacy and succession duties shall not be payable under the will or intestacy of the deceased in respect of that estate.

Rates of Estate Duty.

17. The rates of Estate duty shall be according to the following scale:— Scale of rates of Estate duty.

Where the Principal Value of the Estate						Estate Duty shall be payable at the Rate per cent. of
	£				£	
Exceeds	100	and does not exceed			500	One pound.
„	500	„	„		1,000	Two pounds.
„	1,000	„	„		10,000	Three pounds.
„	10,000	„	„		25,000	Four pounds.
„	25,000	„	„		50,000	Four pounds ten shillings.
„	50,000	„	„		75,000	Five pounds.
„	75,000	„	„		100,000	Five pounds ten shillings.
„	100,000	„	„		150,000	Six pounds.
„	150,000	„	„		250,000	Six pounds ten shillings.
„	250,000	„	„		500,000	Seven pounds.
„	500,000	„	„		1,000,000	Seven pounds ten shillings.
„	1,000,000	-	-	-	-	Eight pounds.

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The rate of the further Estate duty where the property is settled shall be one per cent.

Provided that for any fractional part of ten pounds over ten pounds or any multiple thereof, the Estate duty and the further Estate duty shall be payable at the rate per cent. for the full sum of ten pounds.

Succession Duty.

Value of real successions for succession duty.

18.—(1.) The value for the purpose of succession duty of a succession to real property arising on the death of a deceased person shall, where the successor is competent to dispose of the property, be the principal value of the property after deducting the Estate duty payable in respect thereof on the said death and the expenses, if any, properly incurred of raising and paying the same, and the duty shall be a charge thereon, and shall be payable by the same instalments as are authorised by this Act for Estate duty on real property with interest at the rate of three per cent. per annum from the expiration of twelve months after the date on which he became entitled in possession to his succession or to the receipt of the income and profit thereof, and the provisions with respect to discount shall not apply.

(2.) The principal value of real property for the purpose of succession duty shall be ascertained in the same manner as it would be ascertained under the provisions of this Act for the purpose of Estate duty.

Local Taxation Grant.

Adaptation of law as to probate duty grant. 51 & 52 Vict. cc. 41 and 60. 52 & 53 Vict. c. 50.

19. In substitution for the grant out of the probate duties under the Local Government Act, 1888, the Probate Duty (Scotland and Ireland) Act, 1888, and the Local Government (Scotland) Act, 1889, there shall be paid, out of the proceeds of the Estate duty, such sum as the Commissioners, in accordance with regulations made by the Treasury under those Acts, may determine to be an amount equal to one and a half per cent. on the net value of such of the property chargeable with Estate duty as would, if this Act had not been passed, have been chargeable with the duty imposed by section twenty-seven of the Customs and Inland Revenue Act, 1881, on Inland Revenue affidavits, and the first-mentioned Acts shall apply as if the sum so determined were the probate duty grant or one half of the proceeds of the sums collected in respect of the probate duties (as the case requires), within the meaning of those Acts.

Exception as to property in British Possessions.

20.—(1.) Where the Commissioners are satisfied that in a British possession to which this section applies duty is payable by reason of a death in respect of any property situate in such posses-

sion and passing on such death, they shall allow a sum equal to the amount of that duty to be deducted from the Estate duty payable in respect of that property on the same death. A.D. 1894.

(2.) Nothing in this Act shall be held to create a charge for Estate duty on any property situate in a British possession, while so situate, or to authorise the Commissioners to take any proceedings in a British possession for the recovery of any Estate duty.

(3.) Her Majesty the Queen may, by Order in Council, apply this section to any British possession where Her Majesty is satisfied that by the law of such possession either no duty is chargeable in respect of property situate in the United Kingdom when passing on death, or that the law of such possession as respects any duty so chargeable is to the like effect as the foregoing provisions of this section.

(4.) Her Majesty in Council may revoke any such Order, where it appears that the law of the British possession has been so altered that it would not authorise the making of an Order under this section.

Savings and Definitions.

21.—(1.) Estate duty shall not be payable on the death of a deceased person in respect of personal property settled by a will or disposition made by a person dying before the commencement of this part of this Act, in respect of which property any duty mentioned in paragraphs one and two of the First Schedule to this Act has been paid, unless in either case the deceased was at the time of his death, or at any time since the will or disposition took effect had been, competent to dispose of the property. Savings.

(2.) Where a person died before the commencement of this Part of this Act, the duties mentioned in the First Schedule to this Act shall continue to be payable in like manner in all respects as if this Act had not passed.

(3.) Where an interest in expectancy in any property has, before the commencement of this part of this Act, been *bonâ fide* sold or mortgaged for full consideration in money or money's worth, then no other duty on such property shall be payable by the purchaser or mortgagee when the interest falls into possession than would have been payable if this Act had not passed; and in the case of a mortgage, any higher duty payable by the mortgagor shall rank as a charge subsequent to that of the mortgagee.

(4.) The further Estate duty of one per cent. shall not be payable on property settled by a disposition which has taken effect before the commencement of this part of this Act.

(5.) Where a husband or wife is entitled, either solely or jointly with the other, to the income of any property settled by the other

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under a disposition which has taken effect before the commencement of this part of this Act, and on his or her death the survivor becomes entitled to the income of the property settled by such survivor, Estate duty shall not be payable on that property until the death of the survivor.

Definitions.

22.—(1.) In this Part of this Act, unless the context otherwise requires :—

The expressions "deceased person" and "the deceased" mean a person dying after the commencement of this Part of this Act.

The expression "will" includes any testamentary instrument.

The expression "representation" means probate of a will or letters of administration.

The expression "executor" means the executor or administrator of a deceased person.

The expression "Estate duty" means Estate duty under this Act.

The expression "property" includes real property and personal property and the proceeds of sale thereof respectively and any money or investment for the time being representing the proceeds of sale.

The expression "settled property" means property comprised in or held upon the trusts of a settlement.

The expression "settlement" means any instrument, whether relating to real property or personal property, which is a settlement within the meaning of section two of the Settled Land Act, 1882, or if it related to real property would be a settlement within the meaning of that section, and includes a settlement effected by a parol trust.

45 & 46 Vict. c. 38.

The expression "interest in expectancy" includes an estate in remainder or reversion and every other future interest whether vested or contingent.

The expression "incumbrances" includes mortgages and terminable charges.

The expression "property passing on the death" includes property passing either immediately on the death or after any interval, either certainly or contingently, and either originally or by way of substitutive limitation, and the expression "on the death" includes "at a period ascertainable only by reference to the death."

The expression "the Commissioners" means the Commissioners of Inland Revenue.

The expression "Inland Revenue affidavit" means an affidavit made under the enactments specified in the Second Schedule to this Act with the account and schedule annexed thereto.

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The expression "prescribed" means prescribed by the Commissioners.

(2.) For the purposes of this Part of this Act—

(*a.*) A person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general power as would, if he were sui juris, enable him to dispose of the property, including a tenant in tail whether in possession or not; and the expression "general power" includes every power or authority enabling the donee or other holder thereof to appoint or dispose of property as he thinks fit, whether exerciseable by instrument inter vivos or by will, or both, but exclusive of any power exerciseable in a fiduciary capacity under a disposition not made by himself, or exercisable as tenant for life under the Settled Land Act, 1882, or as mortgagee:

(*b.*) A disposition taking effect out of the interest of the deceased person shall be deemed to have been made by him, whether the concurrence of any other person was or was not required:

(*c.*) Money which a person has a general power to charge on property shall be deemed to be property of which he has power to dispose.

(3.) This Part of this Act shall apply to property in which the wife or husband of the deceased takes an estate in dower or by the curtesy or any other like estate, in like manner as it applies to property settled by the will of the deceased.

Application to Scotland.

Application of Part of Act to Scotland.

23. In the application of this Part of this Act to Scotland unless the context otherwise requires:—

(1.) The Court of Session shall be substituted for the High Court.

(2.) Confirmation shall be substituted for "representation."

(3.) The expression "receiver of the property and of the rents and profits thereof," means a judicial factor upon the property.

(4.) The expression "Inland Revenue affidavit," means the inventory of the personal estate of a deceased now required by law, and includes an additional inventory.

(5.) The expression "on delivering the Inland Revenue affidavit" means on exhibiting and recording a duly stamped inventory as provided by section thirty-eight of the Act of the forty-eighth year of the reign of King George the Third, chapter one hundred and forty-nine.

(6.) Section thirty-four of the Customs and Inland Revenue Act, 1881, shall be substituted for section thirty-three of that Act, and

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the Acts referred to in such section thirty-four shall extend to an estate of a gross value not exceeding five hundred pounds.

(7.) The expression "personal property" means moveable property.

(8.) The expression "real property" includes heritable property.

(9.) The expression "incumbrance" includes any heritable security, or other debt or payment secured upon heritage.

(10.) The expression "executor" means every person who as executor, nearest of kin, or creditor, or otherwise, intromits with or enters upon the possession or management of any personal property of a deceased person.

(11.) The property comprised in any special assignation or disposition taking effect on death shall be deemed to pass on death within the meaning of this Act.

(12.) The expression "trustee" includes a tutor, curator, and judicial factor.

(13.) The expression "settled property" shall not include property held under entail.

(14.) An institute or heir of entail in possession of an entailed estate shall whether sui juris or not be deemed for the purposes of this Act to be a person competent to dispose of such estate.

(15.) Where any person who pays Estate duty on any property, and in whom the property is not vested, is by this Act authorised to raise such duty by the sale or mortgage of that property, or any part thereof, it shall be competent for such person to apply to the Court of Session—

(*a*) for an order of sale of the property or part of it, and in the event of the court granting such order, it shall provide for the payment out of the price of the amount of the Estate duty which has been paid by such person, and the court shall thereafter make such order as to the disposal of the surplus, if any, of the price, by way of investment or otherwise, as to the court shall seem proper; or

(*b*) for an order ordaining the person in whom the property is vested to grant a bond and disposition in security over the property in favour of the person who has paid the Estate duty, for the amount of the said duty, and if the person in whom the property is vested refuses, or fails to do so, the court shall grant authority to the clerk of court to execute such a bond and disposition in security, and such bond and disposition in security so executed shall be as valid as if it had been executed by the person in whom the estate is vested,

(16.) This Part of this Act shall apply to property in which the wife or husband of the deceased takes an estate of terce or courtesy or any other like estate in like manner as it applies to property settled by the will of the deceased. A.D. 1894.

Commencement.

24. This Part of this Act shall come into operation on the expiration of the first day of August one thousand eight hundred and ninety-four, in this Part of this Act referred to as the commencement of this Part of this Act. Commencement of Part of Act.

PART II.

CUSTOMS.

25. The duty of Customs now payable on tea shall continue to be charged and paid, on and after the first day of August one thousand eight hundred and ninety-four until the first day of August one thousand eight hundred and ninety-five, on the importation thereof into Great Britain or Ireland (that is to say) :— Duty on tea.

Tea, the pound - - - - Fourpence.

26. In addition to the duties of Customs now payable on beer of the descriptions called mum, spruce, or black beer, imported into Great Britain or Ireland, there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four until the first day of July one thousand eight hundred and ninety-five the duties following ; (that is to say,) Addition to customs duties on special kinds of beer.

	£	*s.*	*d.*
For every thirty-six gallons of beer where the worts thereof are or were before fermentation of a specific gravity—			
Not exceeding one thousand two hundred and fifteen degrees - - - - -	0	2	0
Exceeding one thousand two hundred and fifteen degrees - - - - -	0	2	4

This section shall extend to Berlin white beer, and other preparations, whether fermented or not fermented, of a character similar to mum, spruce, or black beer.

27. In addition to the duties of Customs now payable on every description of beer (other than is specified in the last preceding section) imported into Great Britain or Ireland, there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four until the first day of July Addition to customs duty on all other beer.

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one thousand eight hundred and ninety-five the duty following; (that is to say,)

	£	s.	d.
For every thirty-six gallons where the worts thereof were before fermentation of a specific gravity of—			
One thousand and fifty-five degrees - - - - -	0	0	6

and there shall be allowed and paid in and for the same period in respect of all such beer a similar addition to the drawback granted on exportation, shipment for use as stores or removal to the Isle of Man, by section four of the Customs and Inland Revenue Act, 1881. And so, as to both duty and drawback, in proportion for any difference in gravity.

44 & 45 Vict. c. 12.

Additional duties of Customs on spirits.

28. In addition to the duties of Customs now payable on spirits imported into Great Britain or Ireland there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four until the first day of July one thousand eight hundred and ninety-five the duties following; (that is to say,)

	£	s.	d.
For every gallon, computed at proof, of spirits of any description (except perfumed spirits) including naphtha or methylic alcohol, purified so as to be potable, and mixtures and preparations containing spirits - - - - - - -	0	0	6
For every gallon of perfumed spirits - - -	0	0	10
For every gallon of liqueurs, cordials, mixtures, and other preparations entered in such a manner as to indicate that the strength is not to be tested -	0	0	8

Alteration of Customs duties on certain goods containing spirits.

And the duties of Customs on the articles herein-after mentioned, being articles of which spirits are a part or ingredient, shall be proportionately increased, and there shall accordingly be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four, until the first day of July one thousand eight hundred and ninety-five the duties following; (that is to say,)

		£	s.	d.
Chloral hydrate - - -	the pound	0	1	4
Chloroform - - - -	the pound	0	3	3
Collodion - - - -	the gallon	1	6	3
Ether, acetic - - - -	the pound	0	1	11
Ether, butyric - - - -	the gallon	0	16	5
Ether, sulphuric - - -	the gallon	1	7	5
Ethyl, iodide of - - -	the gallon	0	14	3

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PART III.

Excise.

Additional duty of excise on beer.

29. In addition to the duty of excise now payable in respect of beer brewed in the United Kingdom there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four, until the first day of July one thousand eight hundred and ninety-five—

For every thirty-six gallons of worts of a specific gravity of one thousand and fifty-five degrees the duty of sixpence,

and so in proportion for any difference in quantity or gravity.

Additional excise drawback on beer.

30. In addition to the drawback of excise now payable in respect of beer exported from the United Kingdom as merchandize or shipped for use as ship's stores there shall be allowed and paid in respect of beer brewed in the United Kingdom between the sixteenth day of April one thousand eight hundred and ninety-four, and the first day of July one thousand eight hundred and ninety-five—

For every thirty-six gallons of beer of an original gravity of one thousand and fifty-five degrees the drawback of sixpence,

and so in proportion for any difference in quantity or gravity.

Additional duty of excise on spirits.

31. In addition to the duty of excise now payable for every gallon computed at proof of spirits distilled in the United Kingdom, there shall be charged and paid on and after the seventeenth day of April one thousand eight hundred and ninety-four, until the first day of July one thousand eight hundred and ninety-five, the duty of sixpence, and so in proportion for any less quantity.

Additional duties to be added to the price of articles contracted for.

32. Where, before the seventeenth day of April one thousand eight hundred and ninety-four, any person shall have contracted for the sale of spirits or beer without reference to the duties of excise thereon granted by this Act, it shall be lawful for such person, and he is hereby authorised to receive from the purchaser, and sue for and recover the equivalent in money of the excess of such duties over the duties which would have been payable if this Act had not been passed.

PART IV.

Income Tax.

Grant of duties of income tax. 16 & 17 Vict. c. 34.

33.—(1.) There shall be charged, collected, and paid for the year which commenced on the sixth day of April one thousand eight hundred and ninety-four, in respect of all property, profits, and

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gains mentioned or described as chargeable in the Income Tax Act, 1853, the following duties of income tax; (that is to say,)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act the duty of eightpence:

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act—

In England, Scotland, and Ireland respectively, the duty of threepence.

(2.) All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and ninety-four shall have full force and effect with respect to the duties of income tax hereby granted so far as the same are consistent with this Act.

Exemption where income does not exceed 160*l.* and abatement where income does not exceed 500*l.* 39 & 40 Vict. c. 16.

34. The provisions of the Income Tax Acts with respect to the exemption granted to persons whose respective incomes are less than one hundred and fifty pounds a year, shall extend to persons whose respective incomes do not exceed one hundred and sixty pounds a year, and in lieu of the relief or abatement from income tax granted by section eight of the Customs and Inland Revenue Act, 1876, to persons whose respective incomes are less than four hundred pounds a year, the following provisions shall have effect:—

Any person who shall be assessed or charged to any of the duties of income tax granted by this Act, or who shall have paid the same either by deduction or otherwise, and who shall claim and prove in the manner prescribed by the Income Tax Acts, that his total income from all sources, although exceeding one hundred and sixty pounds or upwards, does not exceed five hundred pounds, shall be entitled to relief or abatement as follows:—

(*a.*) If the total income of such person does not exceed four hundred pounds, to relief from so much of the said duties assessed upon or paid by him as an assessment or charge upon one hundred and sixty pounds of his income would amount to; and

(*b.*) If the total income of such person exceeds four hundred pounds, and does not exceed five hundred pounds, to the relief from so much of the said duties assessed upon or paid by him as an assessment or charge upon one hundred pounds of his income would amount to.

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Relief in respect of income tax under Schedule A. 5 & 6 Vict. c. 35.

35. In respect of the income tax hereby imposed under Schedule A., where the tax is charged upon annual value under the General Rule, No. 1, section sixty of the Income Tax Act, 1842, and is to be charged on and paid by the occupier, or by the owner or landlord of a dwelling-house under the third rule No. IV. of the said section sixty, the following provisions shall have effect:—

(*a.*) In the case of an assessment on lands inclusive of the farmhouse and other buildings (if any), the amount of the assessment shall, for the purpose of collection, be reduced by a sum equal to one-eighth part thereof; and

(*b.*) In the case of an assessment upon any house or building (except a farmhouse or building included with lands in assessment), the amount of the assessment shall, for the purposes of collection, be reduced—

(i.) Where the owner is occupier, or where a tenant is occupier and the landlord undertook to bear the cost of repairs, by a sum equal to one-sixth part of that amount; and

(ii.) Where a tenant is occupier, or assessable as landlord, and he undertook to bear the cost of repairs, by such a sum not exceeding one-sixth part of that amount as may be necessary to reduce it to the amount of rent payable by him.

(*c.*) As between the owner and a mortgagee of his property, or any person having a charge thereon or entitled to any ground-rent, rentcharge, annuity, or other annual sum payable thereout, the owner's right of deduction under the Income Tax Acts in respect of income tax shall be in no wise prejudiced or affected by the relief afforded by this section.

Exemption of income tax in favour of savings banks. 26 & 27 Vict. c. 87.

36.—(1.) Any penny savings bank, or other bank for savings, whether certified under the Savings Bank Act, 1863, or not, shall be entitled to exemption from income tax chargeable under Schedules C. and D. of the Acts relating to income tax in respect of the income of the funds of the savings bank, so far as it is applied in the payment or credit of interest to any depositor not exceeding the sum of three pounds in the year for which exemption is claimed.

(2.) The exemption shall be claimed, proved, and allowed in the same manner as is prescribed by law in the case of income applicable and applied to charitable purposes.

(3.) Provided that where interest is paid, or dividends or interest are or is credited without deduction of income tax to a depositor

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in any savings bank whose income exceeds one hundred and sixty pounds a year, such interest, or dividends or interest, as the case may be, shall be accounted for and charged under the third case of Schedule D. under which profits of an uncertain annual value are directed to be charged.

Assessment of income tax under Schedules (A.) and (B.) and of the inhabited house duties for the year 1894–95. 32 & 33 Vict. c. 67.

37.—(1.) The sum charged as the annual value of any property elsewhere than in the metropolis as defined by the Valuation (Metropolis) Act, 1869, in the assessment of income tax thereon for the year which commenced on the sixth day of April one thousand eight hundred and ninety-three, shall be taken as the annual value of such property for the assessment and charge thereon of the duties of income tax hereby granted under Schedules (A.) and (B.).

(2.) The sum charged as the annual value of every inhabited house elsewhere than in the said metropolis made thereon for the year which commenced as respects England on the sixth day of April one thousand eight hundred und ninety-three, and as respects Scotland on the twenty-fifth day of May one thousand eight hundred and ninety-three, shall be taken as the annual value of the inhabited house for the assessment and charge thereon of the duties on inhabited houses as respects England for the year which commenced on the sixth day of April one thousand eight hundred and ninety-four, and as respects Scotland for the year commencing on the twenty-fifth day of May one thousand eight hundred and ninety-four.

(3.) The inspectors or surveyors of taxes shall be the assessors of the said duties of income tax under Schedules (A.) and (B.), and of the said duties on inhabited houses.

Provisions as to duty on dividends, &c., paid prior to the passing of this Act.

38.—(1.) Where, in the case of any dividends, interest, or other annual profits or gains due or payable half yearly or quarterly in the course of the said year which commenced on the sixth day of April one thousand eight hundred and ninety-four, any half yearly or quarterly payments shall have been made prior to the passing of this Act, the duty of income tax hereby granted, or so much by relation to such duty as shall not have been charged thereon or deducted therefrom shall be charged under Schedule D. in respect of such payments as profits or gains not charged by virtue of any other schedule in conformity with the provision contained in the sixth case of Schedule D., in section one hundred of the Income Tax Act, 1842, and the agents entrusted with the payment of the dividends, interest, or other annual profits or gains, shall furnish a list containing the names and addresses of the persons to whom payments have been made, and the amount of such payments, to

5 & 6 Vict. c. 35.

the Commissioners of Inland Revenue upon a requisition in that behalf.

(2.) Where any person liable to pay any rent, interest, annuity, or other annual payment in the course of the said year shall, on making any such payment prior to the passing of this Act, have not made any deduction or have made an insufficient deduction in respect of the duty of income tax hereby granted he shall be authorised to make the deduction or make up the deficiency on the occasion of the next payment in addition to any other deduction which he may by law be authorised to make.

(3.) The charge or deduction of the duty of income tax at a rate not exceeding the rate hereby granted in the case of any payment made in the course of the said year prior to the passing of this Act shall be deemed to have been a legal charge or deduction.

PART V.

Miscellaneous.

Composition for certain Stamp Duties.

Extension of 54 & 55 Vict. c. 39. s. 114.

39. The provisions contained in section one hundred and fourteen of the Stamp Act, 1891, in reference to the composition for stamp duty chargeable on transfers of certain stocks shall extend to the stock of any foreign state or government which is inscribed in the books of the Bank of England.

Exemption of Coupons from Stamp Duty.

Exemption of coupons.

40. A coupon for interest on a marketable security as defined by the Stamp Act, 1891, being one of a set of coupons whether issued with the security or subsequently issued in a sheet, shall not be chargeable with any stamp duty.

PART VI.

Imperial and Naval Defence Loans.

Alteration of Imperial and Naval Defence Acts.

41.—(1.) All dividends or other moneys received by the Treasury after the first day of July one thousand eight hundred and ninety-four in respect of Suez Canal shares shall be paid into the Exchequer.

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(2.) The sum by which the aggregate payments made to the Naval Defence Account under section two of the Naval Defence Act, 1889, before the thirty-first day of March one thousand eight hundred and ninety-four, exceed the authorised expenditure of ten million pounds, or any less sum which on the completion of the contract vessels has been actually expended on those vessels, shall be paid from that account into the Exchequer, and the instalments payable to the said account under the said section shall cease after the said day to be payable.

51 & 52 Vict. c. 32. 52 & 53 Vict. c. 8. 56 & 57 Vict. c. 45.

(3.)—(*a.*) The old sinking fund and the new sinking fund may, notwithstanding anything in the Imperial Defence Act, 1888, and the Naval Defence Acts, 1889 and 1893, and in addition to any other mode of application, be applied in paying off all or any part of the loan of two million six hundred thousand pounds borrowed under Part II. of the Imperial Defence Act, 1888 (in this Act referred to as the Imperial Defence Loan), and of the loan of three million one hundred and forty-six thousand pounds borrowed under the Naval Defence Act, 1889 (in this Act referred to as the Naval Defence Loan);

(*b.*) The interest on the Imperial Defence Loan and the Naval Defence Loan, or on such part thereof as is for the time being outstanding, shall, so far as it would, but for this section, come into course of payment out of the moneys provided by Parliament for army services or naval services, be paid out of the permanent annual charge for the National Debt, and the Treasury shall, so far as regards any payments already made, make such adjustments as appear to them necessary for carrying into effect this section.

(4.) Nothing in this section, nor any repeal by this section, shall affect the charge on the Consolidated Fund of any loan, so far as the same is required for the purpose of repaying the principal or interest of such loan to the holder of the security for the same.

(5.) The Acts specified in the Third Schedule to this Act are hereby repealed to the extent and from the dates in the third column of that schedule mentioned.

Short Title.

Short title.

42. This Act may be cited as the Finance Act, 1894.

SCHEDULES.

FIRST SCHEDULE.

Existing Duties referred to.

Clauses 1 and 11.

1. The stamp duties imposed by the Customs and Inland Revenue Act, 1881, on the affidavit to be required and received from the person applying for probate or letters of administration in England or Ireland, or on the inventory to be exhibited and recorded in Scotland.

2. The stamp duties imposed by section 38 of the Customs and Inland Revenue Act, 1881, as amended and extended by section 11 of the Customs and Inland Revenue Act, 1889, on the value of personal or moveable property to be included in accounts thereby directed to be delivered.

3. The additional succession duties imposed by section 21 of the Customs and Inland Revenue Act, 1888.

4. The temporary estate duties imposed by sections 5 and 6 of the Customs and Inland Revenue Act, 1889.

5. The duty at the rate of one pound per centum, which would by virtue of the Acts in force relating to legacy duty or succession duty have been payable under the will or intestacy of the deceased or on his death under his disposition or any devolution from him.

SECOND SCHEDULE.

Acts referred to.

Clause 18

Session and Chapter.	Title or Short Title.	Section referred to.
55 Geo. 3. c. 184.	The Stamp Act, 1815	Section thirty-eight.
56 Geo. 3. c. 56.	An Act the title of which begins with the words "An Act to "repeal the several stamp "duties" and ends with the words "managing the said "duties."	Section one hundred and seventeen.
43 & 44 Vict. c. 14.	The Customs and Inland Revenue Act, 1880.	Section ten.
44 & 45 Vict. c. 12.	The Customs and Inland Revenue Act, 1881.	Sections twenty-nine and thirty-two.

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THIRD SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 32. -	The Imperial Defence Act, 1888.	The whole of Part Two and section eleven, from "The expression Treasury" to "Admiral," from "the expression Suez" to "1876," and from "The expression Exchequer" to the end of the section, as from the passing of this Act.
52 & 53 Vict. c. 8. -	The Naval Defence Act, 1889.	The whole Act as from the following dates: Section two, from "To provide such money" to "Exchequer," being sub-sections two to five, as from the end of the last financial year before the passing of this Act, and from "the principal of all securities" to the end of the section, being sub-sections six, seven, and eight, as from the 31st of December one thousand eight hundred and ninety-two; section five, as from the completion of the audit therein mentioned; and the residue as from the end of the present financial year.
56 & 57 Vict. c. 45. -	The Naval Defence Act, 1893.	The whole Act as from the end of the present financial year.

Finance.

A

B I L L

[AS AMENDED IN COMMITTEE]

To grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Law relating to Customs and Inland Revenue, and to make other provision for the financial arrangements of the year.

(Prepared and brought in by Mr. Mellor, Mr. Chancellor of the Exchequer, and Sir John Hibbert.)

Ordered, by The House of Commons, *to be Printed, 2 July* 1894.

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[*Price 3d.*]

[Bill 303.]

A

B I L L

TO

Extend the powers of the Fishery Board for Scotland in relation to Harbours and Piers. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Power to apply Parliamentary grant.

1. The Fishery Board may use and apply the grant heretofore made by Parliament for the building, making, or repairing of piers or quays in Scotland under the Act of the fifth year of King George the Fourth, chapter sixty-four, or any part thereof, in providing collateral security for any loan made by the Public Works Loan Commissioners, with the approval of the Fishery Board for the construction or improvement of harbours in Scotland, and may charge such grant with the repayment of any such loan or any part thereof with the interest thereon for such period and on such terms as may be agreed upon between the Fishery Board and the Public Works Loan Commissioners.

Short title.

2. This Act may be cited as the Fishery Board (Scotland) Extension of Powers Act, 1894.

Fishery Board (Scotland) Extension of Powers.

A

B I L L

To extend the powers of the Fishery Board for Scotland in relation to Harbours and Piers.

(*Prepared and brought in by Mr. Buchanan, Mr. Asher, Mr. Anstruther, Sir Donald Macfarlane, Mr. Renshaw, and Sir William Wedderburn.*)

Ordered, by The House of Commons, *to be Printed*, 18 *April* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 174.]

A

B I L L

FOR

The Marking of Foreign and Colonial Meat.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Foreign and Colonial Meat Act, 1894.

Commencement of Act.

2. This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-five.*

Definitions.

3. In this Act the word "meat" means and includes the flesh of any animal commonly used for human food.

The words "foreign meat" means and includes all meat the flesh of cattle or sheep of any kind or age which shall be imported into any part of Great Britain or Ireland from any country or place beyond the limits of Great Britain and Ireland.

The words "British or Irish meat" mean meat fattened and killed within the United Kingdom of Great Britain and Ireland, the Channel Islands, or the Isle of Man.

The expression "local authority" has the following meanings, that is to say:—

(*a.*) As regards the City of London and the liberties thereof, the Commissioners of Sewers.

(*b.*) As regards the rest of the county of London, the London County Council.

(*c.*) As regards all other parts of England, the same meaning as in the Public Health Act.

(*d.*) As regards Scotland, a district committee appointed under the County Council (Scotland) Act, 1889, for the purposes of the administration of the laws relating to public health.

[Bill 45.]

A.D. 1894.

(*e.*) As regards Ireland, the same meaning as in the Public Health (Ireland) Act, 1878.

The word "person" includes a body corporate or unincorporate.

Foreign meat to be marked as such.

4. Every person who, either by himself or herself, or by his or her agent, servant, or other person employed for that purpose, sells or exposes for sale, or who hawks or offers for sale any foreign meat, shall cause to be attached to each carcase or piece of such foreign meat a label or mark containing, in printed capital letters, the words "Foreign meat," in such manner as to be clearly visible to the purchaser.

Vendor to affix the words "Dealer in Foreign and Colonial Meat" on shop.

5. Every person dealing in, selling, offering or exposing or keeping for sale, or having in his possession for the purpose of sale, foreign or colonial meat, shall at all times keep painted, affixed, or placed in a conspicuous position, and so as to be easily legible, whether by night or day, upon or to some part of the shop, stall, vehicle, or place where or from which such foreign or colonial meat is dealt in, sold, offered, or exposed, or kept for sale, the following words, which shall be legibly printed or painted in capital letters not less than one and a half inches square, viz., "Dealer in Foreign and Colonial Meat," and every person so dealing, selling, offering, or exposing or keeping for sale, or having in his possession for the purpose of sale, foreign or colonial meat without having such words painted, affixed, or placed in manner aforesaid upon or to such shop, stall, vehicle, or place as aforesaid, shall be guilty of an offence under this Act.

Sale of foreign or colonial meat as British or Irish an offence.

6. Every person who shall deal in, sell, offer, expose, or keep for sale, or have in his possession for the purpose of sale, any foreign or colonial meat as or for British or Irish meat, shall be guilty of an offence under this Act.

Dealer in foreign or colonial meat to be registered as such.

7. It shall not be lawful for any person to keep for sale, or to have in his possession for the purpose of sale, or to sell or to offer or expose for sale, or to deal in foreign or colonial meat unless he is registered as a "dealer in foreign and colonial meat" in accordance with this Act.

Local authority to keep register.

8. Every local authority shall keep a register of persons from time to time keeping for sale or having in their possession for the purpose of sale or selling or offering or exposing for sale or dealing in foreign or colonial meat within its district, and shall from time to time revise and correct such register; and the local authority

shall register every such person as aforesaid in such register free of charge to such person, and every such person not so registered shall be guilty of an offence under this Act.

Local authority to give notice of registration under this Act.

9. The local authority shall from time to time give public notice by advertisement in one or more newspaper or newspapers circulating in its district, and, if it thinks fit, by placards, handbills, or otherwise of registration under this Act being required, and of the mode and time and place of such registration.

Register to be open to public inspection.

10. Such register shall be kept at the office of the local authority and shall be open to inspection by any person free of charge during the time when such office is usually open for business purposes.

Local authorities to carry out Act by means of inspectors and other officers.

11. It shall be the duty of every local authority to take care that the provisions of this Act are duly carried out within the district of such authority, and every such authority shall have power to appoint for such purposes, and to remunerate inspectors and other officers having competent technical knowledge, such inspectors and other officers shall have powers within the district of the local authority by which they shall have been appointed, to enter and inspect any shop, stall, vehicle, or place where or from which any meat is sold, or offered, or exposed, or kept for sale, and without going through the form of purchase to take samples of any such meat in order to ascertain whether such meat is or is not foreign or colonial meat.

Upon inspector's report local authority to prosecute.

12. If any such inspector or other officer shall be of opinion that any person has been guilty of an offence under this Act, he shall forthwith report the name and address of such person, and the offence of which in the opinion of such inspector or other officer he has been guilty, to the local authority by which such inspector or other officer shall have been appointed, and if upon consideration of such report it shall appear to the local authority that the offence thereby alleged has been committed, the local authority shall prosecute the person alleged to have been guilty for such offence.

Provided always that nothing herein contained shall prevent any private person from instituting a prosecution for an offence under this Act.

Proceedings against offenders.

13. All prosecutions under this Act shall be conducted in a summary manner before any justices in petty sessions assembled having jurisdiction in the place where the alleged offence was committed, and no prosecution for an offence under this Act shall

A.D. 1894.

be instituted after the expiration of *three calendar months* next after the day on which the alleged offence was committed.

Penalties.

14. Every person found guilty of an offence under this Act shall be liable for a first offence to a fine not exceeding *five pounds* and for a second or any subsequent offence to a fine not exceeding *twenty pounds.*

Expenses of carrying out Act in England.

15. The expenses of carrying this Act into execution in the City of London and the liberties thereof shall be borne by the consolidated rate raised by the Commissioners of Sewers of the said city, and in the remainder of the County of London by the consolidated rate raised by the London County Council, and in all other parts of England such expenses shall be included in the general expenses of the sanitary authority under the Public Health Act, 1875.

Expenses of carrying out Act in Scotland and Ireland.

16. The expenses of carrying this Act into execution in Scotland shall be included in the rate imposed by a county council to meet any deficiency in respect of expenditure under the Public Health (Scotland) Acts, and in Ireland such expenses shall be included in the general expenses of a sanitary authority under the Public Health (Ireland) Act, 1878.

Foreign and Colonial Meat (No. 2).

A

B I L L

For the Marking of Foreign and Colonial Meat.

(Prepared and brought in by Mr. Jeffreys, Sir A. Acland Hood, Mr. Hanbury, Mr. Fellowes, Mr. Hozier, and Mr. Horace Plunkett.)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1894.

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[*Price* ½*d.*]

[Bill 45.]

A

B I L L

FOR

The placing of a Mark of Origin on Foreign Goods. A.D. 1894.

WHEREAS it is essential to make further provision for the prevention of fraud by false marking :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title and construction.

1. This Act may be cited as the Merchandise Marks Amendment Act, 1894, and shall be read and construed with the Merchandise Marks Act, 1887, as one Act.

Importation of blank goods.

2. All imported goods, except such goods as may be specially exempted from time to time from the provisions of this Act by the published regulations of the Commissioners of Customs, on the ground that they are incapable of being marked as in this Act provided, which do not bear in a legible and conspicuous form a definite indication of the country in which such goods were made or produced, are hereby prohibited to be imported into the United Kingdom, as if they were specified in section forty-two of the Customs Consolidation Act, 1876.

Sale of unmarked foreign goods.

3. From and after the *passing of this Act* no goods imported into the United Kingdom which do not bear a definite indication of the country in which such goods were made or produced, or from which they were so imported, shall be exposed or offered for sale in any part of the United Kingdom unless by means either of express notice, or by a board, card, label, ticket, invoice, or other document, the purchaser be made aware that such goods have been imported, and are not of home production.

Commencement of Act.

4. This Act shall come into force on the *first day of January one thousand eight hundred and ninety-five.*

[Bill 61.]

Foreign Goods (Mark of Origin).

A

B I L L

For the placing of a Mark of Origin on Foreign Goods.

(*Prepared and brought in by Colonel Howard Vincent, Sir Henry Howorth, Mr. William Johnston, Mr. Maclure, Colonel Bridgeman, Colonel Brookfield, Mr. Spencer, Mr. Havelock Wilson, Mr. Seton-Karr, Mr Field, and Mr. Wrightson.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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[*Price* ½*d.*]

[Bill 61.]

A

B I L L

FOR

The Identification of Foreign Meat.

A.D. 1894.

WHEREAS it is expedient that the sale in Great Britain and Ireland of foreign meat should be regulated, in order that the public may know the meat they are purchasing and that the producer of British meat may not be unduly interfered with by the sale of foreign meat as British meat:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Foreign Meat Act, 1894.

Commencement of Act.

2. This Act shall come into operation on the *first day of one thousand eight hundred and* .

Definitions.

3. The words "foreign meat" shall mean and include all meat the flesh of cattle or sheep of any kind or age which shall be imported into any part of Great Britain or Ireland from any country or place beyond the limits of Great Britain and Ireland, and the meat arising from the slaughter of any cattle or sheep of any kind or age imported into any part of Great Britain and Ireland from any country beyond the limits of Great Britain and Ireland.

Delivery of invoice with foreign meat.

4. Every person who either by himself or by any agent, servant, or other person employed by him, sells foreign meat shall deliver with such meat to the purchaser an invoice, stating that such meat is foreign meat, and the non-delivery of such invoice shall have the effect of warranty that meat sold without such invoice is not foreign meat within the meaning of this Act; and every person who acts contrary to, and who does not duly observe and keep the provisions of this section, shall be guilty of an offence under this Act.

[Bill 106.]

A.D. 1894.

Provisions upon the sale of foreign meat by auction.

5. Every person who sells by auction or offers for sale by auction any foreign meat shall, in addition to the provisions of section four of this Act, at the time of offering such foreign meat for sale announce in an audible manner or otherwise fully acquaint the persons attending such auction that the meat offered for sale by him is foreign meat; and every person who acts contrary to or who does not duly observe and keep the provisions of this section shall be guilty of an offence under this Act.

Provisions as to the sale of foreign meat to a person asking for other meat.

6. Every person who shall sell or supply or offer for sale any foreign meat to any purchaser or person who has asked to be supplied with some meat other than foreign meat shall be guilty of an offence under this Act.

Penalties for offences against this Act.

7. Every person who is guilty of an offence under this Act shall be liable on summary conviction for the first offence to a fine not exceeding *five pounds*, and for the second or any subsequent offence to a fine not exceeding *twenty pounds*.

Employer exempt who proves his servant committed the offence against his orders.

8. When an employer is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any agent, servant, or other person employed by him, whom he charges as the actual offender, brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the court that he has used due diligence to enforce the execution of this Act, and that the said agent, servant, or other person has committed the offence in question against his orders, or without his knowledge, consent, or connivance, the said agent, servant, or other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty beyond the payment of the costs of the proceedings.

Invoices, &c. to be produced.

9. The defendant in any proceedings taken under this Act shall, upon notice by the informant or complainant, be bound to produce all invoices, account books, papers, and writings, showing from whom, and when, and at what price he purchased, and all other particulars in reference to the meat alleged to be foreign meat sold by or on his behalf.

Dealers to affix notice of being dealers on their premises and to give notice to the local authority.

10. Every importer, salesman, or wholesale or retail dealer in foreign meat, or other person who sells or exposes for sale any foreign meat, shall affix in a conspicuous place so as to be reasonably visible by night and by day in front of the office, shop, stall, or other place where he shall carry on his business, or upon any cart from which he hawks or offers any foreign meat for sale, in printed or painted capital letters not less than three inches square, the words "dealer in foreign meat," and shall before selling or

exposing for sale any foreign meat give notice in writing to the local authority that he is a dealer in foreign meat, and the place or places where he carries on his business; and every person who acts contrary to or who does not duly observe and keep the provisions of this section shall be guilty of an offence under this Act.

Local authority to keep a register of dealers.

11. The local authority shall, without charging any fee, keep a register of dealers in foreign meat, and shall cause to be entered in such register the name, address, and place or places of business of every such dealer, and the said register shall be open to the inspection of all persons during the usual business hours of the local authority without fee or reward.

Local authorities in England and Ireland.

12. This Act shall be enforced by the local authorities, and for the purposes of this Act the local authorities shall be, in the city of London and the liberties thereof, the Commissioners of Sewers, and in other parts of the county of London, the County Council, and in other parts of England, the urban and rural sanitary authorities, and in Ireland, the urban and rural sanitary authorities under the Public Health (Ireland) Act, 1878.

Local authorities in Scotland.

13. In the application of this Act to Scotland the expression "local authority" shall mean any local authority authorised to appoint a public analyst under the Sale of Food and Drugs Act, 1875, and the procedure for the enforcement of this Act shall be in the manner provided in the thirty-third section of the said Sale of Food and Drugs Act, 1875.

Defendant and the husband or wife of defendant witnesses.

14. Every person charged with an offence under this Act, and the husband and wife of every such person, shall be a competent and compellable witness in any proceeding under this Act.

Procedure.

15. All offences under this Act, and all fines and costs under this Act, shall be prosecuted and received in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction.

If primâ facie case shown burden of proof that the meat is not foreign to be upon the defendant.

16. If in any proceedings under this Act the court shall be of opinion that a primâ facie case has been established by the prosecution, then the court shall require the defendant to show that the meat alleged to be foreign meat is not foreign meat and how and from whom such meat was acquired by the defendant, and the burden of proving that such meat is not foreign meat shall devolve upon and be proved by the defendant.

Powers of the officers of the local authority.

17. The officers of the local authority under this Act shall possess all the powers, rights, and authorities for the purposes of enforcing the provisions of this Act as such local authorities possess under any Act or Acts of Parliament in reference to the sale or exposure for sale of meat unfit for human food.

Foreign Meat.

A

B I L L

For the Identification of Foreign Meat.

(*Prepared and brought in by Mr. George Lambert, Mr. Yerburgh, Dr. Farquharson, Sir John Kennaway, and Mr. Billson.*)

Ordered, by The House of Commons, *to be Printed,* 20 *March* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 100.]

A

B I L L

FOR

Labelling and marking consignments and parcels of Shrimps, Mussels, and Oysters of foreign catch and preparation. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and commencement.

1. This Act may be cited as the Foreign Shell Fish Act, 1894, and shall come into operation *on the first day of January one thousand eight hundred and ninety-five.*

Definitions.

2. In this Act:

"Shrimps and shell fish" mean and include shrimps, oysters, lobsters, crabs, cockles, winkles, and whelks:

"Local authority" means—

(1.) As regards the City of London, the Commissioners of Sewers;

(2.) As regards the rest of London, the London County Council;

(3.) As regards other parts of England, the same as in the Public Health Act or Municipal Corporation Acts:

The word "person" includes a body corporate or incorporate:

The word "foreign" applies to fish caught or gathered within the territorial waters of any foreign country, or from vessels hailing from or belonging to a foreign port, or imported from a foreign country.

Labelling of parcels of shell fish, &c.

3. Every person who by himself or his agent, either by wholesale, retail, or any other way, sells, hawks, or exposes for sale any parcels of shrimps or shell fish of foreign catch or preparation, shall cause to be attached to such parcel a label or mark containing in printed letters the word "foreign," in such manner and in

A.D. 1894.

letters of sufficient size as to be clearly legible to the purchaser. Any person who shall deal in, sell, or offer for sale any parcels of shrimps or shell fish of foreign catch or preparation as or for British shrimps or shell fish shall be guilty of an offence under this Act.

Prosecutions and penalty.

4. All prosecutions shall be conducted in a summary manner before any justices in petty sessions having jurisdiction in the place where the alleged offence was committed. Every person guilty of an offence under the Act shall be liable to a fine not exceeding *five pounds*, half such fine to go to the informer.

Register of persons selling.

5. The local authority shall keep a register of persons selling, offering, or exposing shrimps and shell fish of foreign catch and preparation within its district, and every such person not so registered shall be held guilty of an offence under this Act.

Foreign Shell Fish.

A

B I L L

For labelling and marking consignments and parcels of Shrimps, Mussels, and Oysters of foreign catch and preparation.

(*Prepared and brought in by Major Rasch, Colonel Howard Vincent, Mr. Round, Mr. Field, Mr. Knatchbull-Hugessen, and Mr. Brookfield.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 65.]

A

B I L L

TO

Establish a single Franchise at all Elections and to remove the Disabilities of Women. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Single franchise.

1.—(1.) Every man and woman of full age, whether married or single, shall be qualified to vote at a parliamentary or local election, who resides in the area for which the election is held and is duly registered, unless disqualified (for a reason other than sex or marriage) by common law or Act of Parliament.

(2.) No other person shall be qualified to vote at any such election.

(3.) The term local election in this Act means an election of a county council, city or borough council, district council, board of guardians, metropolitan vestry, parish council, or school board.

Registration.

2. Her Majesty may by Order in Council alter the instructions, precepts, notices, and forms under the Registration of Electors Acts in such manner as appears to Her Majesty necessary for carrying this Act into effect, and the instructions, precepts, notices, and forms specified in such order shall be observed and be valid in law.

University representation.

3. No person shall be returned as a member to serve in Parliament by any university or combination of universities.

Abolition of disqualifications.

4. No person shall be disqualified by sex or marriage from being elected or being a member of either House of Parliament, or of a borough or county council, or from exercising any public functions whatever.

Short title.

5. This Act may be cited as the Franchise and Removal of Women's Disabilities Act, 1894.

[Bill 357.]

Franchise and Removal of Women's Disabilities.

A

B I L L

To establish a single Franchise at all Elections and to remove the Disabilities of Women.

(*Prepared and brought in by Sir Charles Dilke, Mr. Jacob Bright, Mr. John Burns, Mr. J. Keir-Hardie, Mr. William Allen, Dr. Clark, Mr. Byles.*)

Ordered, by The House of Commons, *to be Printed,* 14 *August* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 357.]

A

B I L L

FOR

The Identification and for the Regulation of the Sale of Foreign and Colonial Fruit. A.D. 1894.

WHEREAS it is expedient that provision should be made for protecting the public against the sale of foreign and colonial fruit as British or Irish fruit:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Penalty.

1. Every person selling or offering or exposing for sale foreign or colonial fruit, whether wholesale or retail, whether as importer, or as consignor, or as commission or other agent, or otherwise, who is found guilty of an offence under this Act, shall be liable on summary conviction for every such offence to a penalty not exceeding *fifty pounds*.

Special punishment of habitual offenders.

2. Upon proof to the satisfaction of the court having cognizance of proceedings under this Act that the person charged has already been convicted three times or more of offences against this Act, the said court shall have power, in its discretion, to commit the person convicted for a fourth or any subsequent offence against this Act to prison, without the option of a fine, for any period not exceeding three months with or without hard labour.

Marking of packages.

3. Every person selling or offering or exposing for sale foreign or colonial fruit in the manner described in section one of this Act shall conform to the following regulations:—

Every package, whether open or closed, containing foreign or colonial fruit shall be branded or otherwise durably marked "Grown abroad" on the top, bottom, and sides in capital letters not less than three-quarters of an inch square; and if such foreign or colonial fruit be exposed for sale by retail

A.D. 1894.

there shall be attached to each parcel thereof so exposed, and in such a manner as to be clearly visible to the purchaser, a label marked only in printed capital letters not less than one and a half inches square "Grown abroad," and every person selling foreign or colonial fruit by retail save in a package duly branded or otherwise durably marked as aforesaid, shall in every case deliver the same to the purchaser in or with a paper wrapper, bag, or other receptacle, or accompanied by a ticket or label on which only shall be printed in capital letters not less than a quarter of an inch square the words "Grown abroad."

Conveyance of foreign and colonial fruit.

4. All foreign and colonial fruit imported into the United Kingdom of Great Britain and Ireland shall, whenever forwarded by any public conveyance, be duly consigned as fruit grown abroad; and it shall be lawful for any officer of Her Majesty's Customs or Inland Revenue, or any medical officer of health, inspector of nuisances, or police officer or constable, without going through any form of purchase, to take, for the purposes of legal proceedings, samples of any fruit not marked "Grown abroad," as required by this Act.

Officers may take samples.

5. Any officer described in the preceding section may, without going through any form of purchase, take, for the purposes of legal proceedings under this Act, samples of any fruit which is offered or exposed for sale or is in the possession of any person for the purpose of sale and is not marked "Grown abroad" as provided by this Act; and any such fruit not being so marked shall be presumed to be offered or exposed or to be in the possession of such person for sale as British or Irish fruit.

Penalty for refusing to allow officers to take samples.

6. The person offering or exposing or being in the possession for the purpose of sale of such fruit not being so marked, or any person or persons entrusted by him for the time being with the charge of such fruit, if he shall refuse to allow such officer described in this Act to take the samples which such officer may require for the purposes of legal proceedings under this Act shall be liable on summary conviction to a penalty not exceeding *ten pounds*.

Presumption against vendor.

7. Every person selling or offering or exposing for sale or having in his possession for the purpose of sale any quantity of foreign or colonial fruit contrary to the provisions of this Act shall be liable to conviction for an offence against this Act unless he shows to the satisfaction of the court before whom he is tried that he purchased the fruit in question as British or Irish fruit and with a written

warranty to that effect, and that he had no reason to believe at the time when he sold it that the fruit was other than British or Irish fruit, and in such case he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor unless he shall have given due notice in writing to him that he will rely upon the above defence.

Forged certificates. False labels.

8. The provisions of section twenty-seven of the Food and Drugs Act, 1875, shall have effect as if re-enacted in this Act and in terms made applicable hereto, and the words "an article of food or a drug" occurring in said section shall mean and include the words "any fruit," and the words "article or drug" and the word "article" as used in said section shall mean and include "fruit."

Exemption from penalty.

9. When an employer is charged with an offence under this Act he shall be entitled to the same exemption as is conferred by the fifth section of the Margarine Act, 1887, on his purifying the conditions specified in said section, which section is incorporate with and forms part of this Act.

Special provision as to time for proceedings.

10. In all prosecutions under this Act the summons to appear before the Court shall be served upon the person charged with violating the provisions of this Act *within twenty-one clear days* from the date of the purchase or taking of the sample or otherwise as the case may be; and particulars of the offence or offences charged shall be stated on the summons, and the summons shall be returnable not less than *seven clear days after* the day upon which it has been served.

Execution of Act in England and Ireland.

11. In England and in Ireland all officers employed under the Sale of Food and Drugs Act, 1875, or any statutory substitute therefor, are hereby empowered and required to carry out the provisions of this Act.

In Scotland.

And as regards Scotland, the county council of a county, and the commissioners of police of burghs in which there are such commissioners, and in burghs in which there are no such commissioners the town council, shall by and through their officers carry out the provisions of this Act within the areas of their respective jurisdictions, and such county council, police commissioners, and town council shall respectively appoint one of such officers to institute and carry out in his own name for them all prosecutions for contraventions of the provisions of this Act.

By private prosecutors.

Provided always that nothing herein contained shall in England, Ireland, or Scotland affect the right hereby conferred upon any individual, not being a public officer, to take legal proceedings under this Act, in respect of any contravention thereof, subject always to the provisions of this Act.

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Appeal from conviction: England and Ireland.

12. Any person who in England or in Ireland has been convicted of an offence under this Act may appeal therefrom in the manner prescribed by the twenty-third section of the Food and Drugs Act, 1875, or any statutory substitute therefor.

Scotland.

In Scotland, the provisions of the Summary Prosecutions Appeals (Scotland) Act, 1875, shall, with the exception of section eleven thereof, have effect as if re-enacted in this Act, and in terms made applicable thereto.

Expenses of executing Act: England and Ireland.

13. The expenses of executing this Act shall in England and Ireland be borne in the manner provided by the twenty-ninth section of the Sale of Food and Drugs Act, 1875, or any statutory substitute therefor.

Scotland.

And as regards Scotland, the expenses of executing this Act shall be borne and defrayed by the council of a county out of the county fund, and by the council of a burgh out of the burgh fund or burgh rate.

Application of penalties: England and Ireland.

14. Every penalty imposed and recovered under this Act shall in England and Ireland be paid and applied as is provided by the twenty-sixth section of the Sale of Food and Drugs Act, 1875, or any statutory substitute therefor.

Scotland.

And as regards Scotland, every penalty imposed and recovered under this Act at the instance of a public officer shall be paid to the clerk of court, and by him accounted for and paid to the treasurer of the county council, police commissioners, or town council, as the case may be, whose officer may have instituted and carried out to conviction the charge of contravention of this Act, in respect of which the penalty is imposed.

Private prosecutions.

And as regards every penalty imposed and recovered in Scotland at the instance of any individual, other than a public officer, such penalty shall be paid to the clerk of court and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer on behalf of Her Majesty's Exchequer and shall be carried to the Consolidated Fund, subject always to the following proviso, that it shall be lawful for the court to direct that any part of any penalty recovered under this Act be paid to the person, not being an officer of a public authority, who has proceeded for the same to reimburse him for all the reasonable expenses incurred by him to which the court may deem him entitled.

Application of Act to Scotland.

15. In the application of this Act to Scotland—

(1.) The expression "information" means petition or complaint.

(2.) The expression "court" means the sheriff of the county or any of his substitutes.

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(3.) The expression "clerk of court" means "sheriff-clerk."

(4.) The expression "council of a county or a burgh" means the county council of a county and the commissioners of police of burghs in which there are such commissioners, and in burghs in which there are no such commissioners the town council.

(5.) The expressions "county fund" shall mean the general purposes rate, and "burgh fund or burgh rate" shall mean, in burghs in which there are commissioners of police, the police assessment, or, in their option, the public health assessment, and in burghs in which there are no such commissioners any assessment levied by the town council.

(6.) All fines under this Act in default of payment may be enforced by imprisonment as provided for in the Summary Jurisdiction (Scotland) Acts, 1864 and 1881.

(7.) All jurisdictions, powers, and authorities for the purposes of this section are conferred on the sheriffs and their substitutes.

(8.) It shall be no objection to the competence of a public officer to give evidence as a witness in any prosecution for offences under this Act that such prosecution is brought at the instance of such public officer.

Application of Act to Ireland.

16. Inthe application of this Act to Ireland the terms "burgh or borough," "county," "treasurer of the county," and "police constable" shall have the meanings assigned to them in the thirty-fourth section of the Sale of Food and Drugs Act, 1875, or any statutory substitute therefor; and the term "Summary Jurisdiction Acts" means, in the Dublin Metropolitan Police District, the Acts for regulating the powers and duties of justices of the peace and of the police in that district, and, in the rest of Ireland, means the Petty Sessions (Ireland) Act, 1851, and the Acts amending it.

Definitions.

17. In this Act—

The term "fruit" means and includes all produce mentioned in the schedule to this Act annexed:

The term "grown abroad" means fruit grown elsewhere than in the United Kingdom of Great Britain and Ireland, the Channel Islands, and the Isle of Man;

The term "British or Irish fruit" means fruit grown within the United Kingdom of Great Britain and Ireland, the Channel Islands, and the Isle of Man;

The term "person" shall include "company," whether corporate or incorporate, and whether limited or not, as to the liability of its shareholders, and shall also include "partnership" or "firm."

A.D. 1894.

Commencement of Act.

18. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-five.

Short title.

19. This Act may be cited as the Fruit Identification Act, 1894.

SCHEDULE.

Apples.
Apricots.
Asparagus.
Blackberries.
Cherries.
Cob nuts.
Cranberries.
Cucumbers.
Currants, black, red, and white.
Damsons.
Filberts.
Gooseberries.
Mulberries.
Nectarines.
Peaches.
Pears.
Plums.
Raspberries.
Strawberries.
Tomatoes.
Walnuts.

Fruit Identification.

A

B I L L

For the Identification and for the Regulation of the Sale of Foreign and Colonial Fruit.

(*Prepared and brought in by Mr. Hozier, Sir William Hart-Dyke, Mr. Akers-Douglas, and Mr. Griffith-Boscawen.*)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1894.

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[*Price* 1*d.*]

[Bill 87.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Bolsover Gas, Earby and Thornton Gas, Ilford Gas, and Willenhall Gas. A.D. 1894.

WHEREAS, under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict. c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Gas Orders Confirmation Act, 1894. Short title.

2. The several Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and effect. Confirmation of Orders in schedule.

A.D. 1894.

Special provisions as to houses of labouring class.

3. The Undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, or, except with the consent of the Local Government Board, ten or more houses which were not so occupied on the said fifteenth day of December, but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

SCHEDULE OF ORDERS.

Bolsover Gas.—Order empowering the Bolsover Gas Light and Coke Company Limited to construct and maintain gasworks and to manufacture and supply gas in the parish of Bolsover in the county of Derby.

Earby and Thornton Gas.—Order empowering the Earby and Thornton Gas and Lighting Company Limited to maintain and continue gasworks and to manufacture and supply gas in the parish of Thornton-in-Craven in the west riding of the county of York.

Ilford Gas.—Order empowering the Ilford Gas Light and Coke Company Limited to raise additional capital to purchase additional lands to construct and maintain additional works and for other purposes.

Willenhall Gas.—Order empowering the Willenhall Gas Company to raise additional capital and for other purposes.

BOLSOVER GAS.

A.D. 1894.

Bolsover.

Order empowering the Bolsover Gas Light and Coke Company Limited to construct and maintain Gasworks and to manufacture and supply Gas in the Parish of Bolsover in the County of Derby.

Short title.

1. This Order may be cited as the Bolsover Gas Order 1894.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Gasworks Clauses Act 1847 (except sections thirty to thirty-four both inclusive) and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order Provided that for the purpose of such incorporation section thirty-five of the said Gasworks Clauses Act 1847 shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

Interpretation.

4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Bolsover in the county of Derby.

Undertakers.

Undertakers.

6. The Bolsover Gas Light and Coke Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

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Bolsover.

Capital.

Capital.

7. The share capital of the Undertakers for the purposes of the undertaking shall not exceed five thousand pounds consisting of the sum of one thousand pounds already raised by the Undertakers (in this Order referred to as "the original capital") and of additional capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding four thousand pounds including any premiums which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares to be offered by auction or tender.

8. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

9. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Purchase-money of shares to be paid within three months.

10. It shall be one of the conditions of any sale of shares under the provisions of this Order that the whole nominal amount of each share together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Notice to be given as to sale of shares.

11. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares not sold by auction or tender to be offered to shareholders.

12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender

to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any share so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender not being less than the nominal value of such shares and any shares not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares is sold.

Application of premium arising on issue of shares.

13. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of dividend on capital.

14. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the original and additional capital than the standard rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds actually paid up of such original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as preference capital.

Dividends on different classes of ordinary shares to be paid proportionately.

15. In case in any year or in any half year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original and additional capital a proportionate reduction shall be made in the dividends payable on each class.

Limit of borrowing powers.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

If profits exceed the amount limited excess may be invested and form an insurance fund.

17. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to

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Bolsover.

a sum equal to one-twentieth part of the paid-up capital of the Undertakers which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstances which in the opinion of two justices due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

Application of excess of profits over prescribed rates.

18. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Power to create a reserve fund and application thereof.

19. Where in any year the prescribed rates on the ordinary shares or stock in the original and additional capital exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of the excess of dividend over the standard rates the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates or to the payment of any extraordinary claim or demand which may at any time arise against the Undertakers and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Purchase of Land.

Power to purchase additional land.

20. The Undertakers may for the purposes of the undertaking from time to time purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in the schedule to this Order annexed any lands which they may require Provided that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

Maintenance and continuance of Gasworks Manufacture and Sale of Gas Coke and Residual Products.

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Undertakers may maintain and continue gasworks on lands described in schedule and may make and sell gas &c.

21. The Undertakers may on the lands shown on the maps deposited for the purposes of this Order and described in the schedule to this Order annexed while they are possessed of the same as owners or lessees maintain and continue and from time to time alter and enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge retorts gas-holders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order make and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands store and manufacture patent fuel coal-tar coke pitch asphaltum and ammoniacal liquor oil and all such other residual products as aforesaid and may sell and dispose of the same at the works and elsewhere and they may also construct and maintain and from time to time alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

Power to Undertakers to purchase and supply gas appliances and apparatus &c.

22. The Undertakers may at the works or elsewhere manufacture purchase hire supply sell or let on hire gas-meters fittings gas-stoves and cooking and other apparatus and may also manufacture purchase hire sell let deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to take licences for patents.

23. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or production or from the materials used therein.

Power to contract for sale of gas in bulk.

24. The Undertakers may from time to time enter into and carry into effect and alter or rescind contracts and agreements with respect to the supply of gas in bulk beyond the limits of supply to any urban or rural sanitary authority or any company authorised to supply gas at such price and upon such terms and conditions as may from time to time be agreed on Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or the breaking up of any road or street or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district.

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For protection of the Midland Railway Company.

25. All works to be done by the Undertakers in the exercise of the powers conferred by this Order in any way affecting the railway of the Midland Railway Company or any of the bridges or works thereof or any lands or property belonging to the said Company shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the said Company and according to plans to be first submitted to and to be reasonably approved by him but in all things at the expense of the Undertakers and so as to cause no injury to such railway bridges works lands or property or interruption to the passage or conduct of traffic over such railway and if in consequence of the execution of such works any injury be caused to such railway bridges lands or property or any interruption be caused to such traffic the Undertakers shall make full compensation to the said Company in respect of such injury or interruption the amount of such compensation failing agreement to be settled by arbitration in the manner provided for settling cases of disputed compensation by the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement If any difference arise between the Undertakers and the said Company whose lands bridges or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands bridges or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

For protection of the Lancashire Derbyshire and East Coast Railway Company.

26. All works to be done by the Undertakers in the exercise of the powers conferred by this Order in any way affecting the railway of the Lancashire Derbyshire and East Coast Railway Company or any of the bridges or works thereof or any lands or property belonging to the said Company shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the said Company and according to plans to be first submitted to and to be reasonably approved by him but in all things at the expense of the Undertakers and so as to cause no injury to such railway bridges works lands or property or interruption to the passage or conduct of traffic over such railway and if in consequence of the execution of such works any injury be caused to such railway bridges lands or property or any interruption be caused to such traffic the Undertakers shall make full compensation to the said Company in respect of such injury or interruption the amount of such compensation failing agreement to be settled by arbitration in the manner provided for settling cases of disputed compensation by the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement If any difference arise between the Undertakers and the said Company whose lands bridges or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands bridges or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Differences with railway and other companies.

27. If any difference arise between the Undertakers and any railway tramway or other company or person other than the Midland Railway Company and the Lancashire Derbyshire and East Coast Railway Company whose land or works

the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

28. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

Fixing price of gas with sliding scale as to dividend.

29. The standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be five shillings and threepence per thousand cubic feet Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary shares or stock in the original and additional capital as follows :—

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price the dividend payable by the Undertakers shall in respect of each penny by which the price so charged shall have exceeded the standard price be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

And in respect of any year during which the price so charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price shall have exceeded the price so charged be increased above the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

Pressure of Gas.

Pressure of gas.

30. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing Gas.

Testing gas.

31. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to

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Bolsover.

be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one and three-quarter inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway bridge or railway station vested in or under the control of any local or road authority.

Miscellaneous.

No penalty in case of unavoidable cause.

32. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

Undertakers to pay interest on deposit.

33. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

8 Vict. c. 16. s. 140 incorporated.

34. Section one hundred and forty of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

35. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE.

Gas Lands.

Site of existing Works.

(A) A piece of land now belonging or reputed to belong to the Undertakers situate at Bolsover in the parish of Bolsover in the county of Derby containing six hundred and twenty-six square yards or thereabouts upon which the existing works of the Undertakers are erected bounded on the north-west by the highway leading from Town End Bolsover to Oxcroft on the north-east and south-east by land and premises belonging to his Grace William John Arthur Charles James

Duke of Portland and now occupied by Mr. William Bagshawe and on the south-west by an occupation road known as "Moorfield Lane" there situate. A.D. 1894. *Bolsover.*

Site of proposed new Works.

(B) A piece of land situate near to the village of Bolsover in the said parish of Bolsover now belonging to or reputed to belong to his Grace William John Arthur Charles James Duke of Portland and heretofore in the occupation of the Bolsover Colliery Company Limited containing two acres one rood four perches or thereabouts and bounded on the north partly by the highway leading from Chesterfield to Bolsover and in other part by land belonging to the Midland Railway Company on the south and east by other land belonging to his Grace William John Arthur Charles James Duke of Portland and in the occupation of the Bolsover Colliery Company Limited and on the west by land belonging to the Midland Railway Company and adjacent to or forming part of the railway from Chesterfield to Mansfield of the said Midland Railway Company.

EARBY AND THORNTON GAS. *Earby and Thornton.*

Order empowering the Earby and Thornton Gas and Lighting Company Limited to maintain and continue Gasworks and to manufacture and supply Gas in the Parish of Thornton-in-Craven in the West Riding of the County of York

1. This Order may be cited as the Earby and Thornton Gas Order 1894. Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commencement of Order.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the said provisions of the Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order. Incorporation of Acts.

4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Interpretation.

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Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be constructed maintained and continued.

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Thornton-in-Craven in the west riding of the county of York including the townships or hamlets of Thornton Earby Kelbrook and Harden.

Undertakers.

Undertakers.

6. The Earby and Thornton Gas and Lighting Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Capital.

7. The share capital of the Undertakers for the purposes of the undertaking shall not exceed ten thousand pounds consisting of the sum of five thousand pounds (in this Order referred to as "the original capital") and of a further sum (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding five thousand pounds including any premiums which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are authorised hereafter to raise for such purposes further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares to be offered by auction or tender.

8. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

9. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Purchase money of shares to be

10. It shall be one of the conditions of any sale of shares under the provisions of this Order that the whole nominal amount of each share together with any

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premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

paid within three months.

11. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Notice to be given as to sale of shares.

12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any share so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender (not being less than the nominal value of the shares so offered) and any shares not then sold shall be again offered to holders of ordinary shares and ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares is sold.

Shares not sold by auction or tender to be offered to shareholders.

13. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of premium arising on issue of shares.

14. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the original and additional capital than the standard rates of dividend hereinafter mentioned (namely) ten pounds in respect of every one hundred pounds actually paid up of such original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as preference capital.

Limits of dividend on capital.

15. In case in any year or in any half year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original and additional capital a proportionate reduction shall be made in the dividends payable on each class.

Dividends on different classes of ordinary shares to be paid proportionately.

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Limit of borrowing powers.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Purchase of Land.

Power to purchase additional land.

17. The Undertakers may for the purposes of the undertaking from time to time purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in the schedule to this Order annexed any lands which they may require Provided that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule and that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

Maintenance and continuance of Gasworks and Manufacture and Sale of Gas Coke and Residual Products.

Undertakers may maintain and continue gasworks on lands described in schedule and may make and sell gas &c.

18. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed while they are possessed of the same may maintain and continue and from time to time alter and enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge retorts retort houses gasholders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order make and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store coal-tar coke pitch asphaltum and ammoniacal liquor oil and all other residual products obtained in the manufacture of gas and matters producible therefrom and may sell and dispose of the same at the works and elsewhere and may also deal in and sell lime at the works and elsewhere.

Power to Undertakers to purchase and supply gas appliances and apparatus &c.

19. The Undertakers may at the works or elsewhere manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and also manufacture purchase hire sell let deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to take licences for patents.

20. The Undertakers may subject to the provisions of this Order (but only for the purposes of their undertaking within the limits of supply and not so as to

acquire any exclusive right therein) contract for take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or production or from the materials used therein.

For the protection of main roads and bridges.

21. In executing the works and exercising the powers by this Order authorised so far as they affect the main roads and main road bridges of the west riding of the county of York the following provisions for the protection of the County Council of the said West Riding (in this section called "the Council") shall have effect unless otherwise agreed on in writing between the Council and the Undertakers that is to say :—

(1.) All mains and pipes to be laid in any main road shall be laid in such position at the side thereof as the Council shall by writing under the hand of the surveyor to the Council direct and shall not be laid in upon or across any main road bridge or any arch connected therewith respectively but shall be carried over the stream crossed by such bridge by means of wrought-iron riveted tubing entirely separate from and independent of such bridge and arch and the gradient of such bridge and of the respective approaches thereto shall not be altered ;

(2.) All works to be constructed or laid in along or across or in any way affecting any main road or any main road bridge or any approach thereto shall be executed at the expense of the Undertakers under the superintendence and to the reasonable satisfaction of the said surveyor and in accordance with plans sections and specifications to be submitted to and approved of by him in writing before the commencement of any such work (except in the case of emergency arising from defect in any pipes and then as soon as is possible after the necessity for the same shall have arisen) Provided that if he shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof ;

(3.) The works shall be so executed as not in any way to impede or interfere with the traffic of any main road or main road bridge or any approach thereto ;

(4.) The Undertakers shall pay to the Council the reasonable costs in relation to the examination of the said plans sections and specifications and the superintendence by this section authorised ;

(5.) If any difference arise between the Council and the Undertakers as to the construction or effect of this section such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be conclusive and the cost of the reference shall be borne as he shall direct.

For protection of Midland Railway Company.

22. The following provisions for the protection of the Midland Railway Company (hereinafter referred to as the said Company) shall be in force and binding on the Undertakers.

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In laying down and executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railway lands or property belonging to the said Company or the bridges level crossings approaches or other works repairable or used by them the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the said Company and only according to plans and sections submitted to and in such manner as shall previously be reasonably approved by him and in all things at the expense of the Undertakers who shall restore and make good the roads over any bridges level crossings and approaches which the said Company is liable to maintain and which may be disturbed or interfered with by any of the works or operations of the Undertakers and all such works shall be so constructed and maintained as not to cause any injury to the railway works or property or interruption to the conduct of the traffic thereon and if any injury or interruption shall arise in any way owing to the acts or defaults of the Undertakers their contractors or workmen the Undertakers shall make full compensation to the said Company in respect thereof together with full costs to be recoverable from the Undertakers by all and the same means as any simple contract debt is recoverable.

If any difference shall arise between the Undertakers and the said Company as to the provisions of this section or the works to be done thereunder or the facilities to be afforded for the same such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either party.

Differences with railway and other companies.

23. If any difference arise between the Undertakers and any railway canal or other company or person whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

24. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

Price of gas.

25. The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings per thousand cubic feet and so in proportion for any less quantity supplied Provided that any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings or by fixing a standard price with sliding scale as to profits and as from the date specified in such Order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such Order Provided

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further that in case such Order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly A copy of such Order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such Order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Pressure of Gas.

Pressure of gas.

26. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe serving such consumer.

Testing Gas.

Testing gas.

27. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by a one and three-quarter inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

Miscellaneous.

No penalty in case of unavoidable cause.

28. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

Undertakers to pay interest on deposit.

29. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Incorporation of section 140 of 8 Vict. c. 16.

30. Section one hundred and forty of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

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Earby and Thornton.

Costs of Order.

31. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE A.

Gas Lands.

1. A piece of land (containing by admeasurement one thousand two hundred and seventy-two square yards or thereabouts) situate at Earby in the parish of Thornton-in-Craven in the west riding of the county of York belonging or reputed to belong to the Mill Company Limited and on which their existing gasworks (except the gasometer erected on the plot of land secondly hereinafter mentioned) and certain stables and cottages are erected which piece of land is bounded on the westerly and northerly sides by the highway known as Seal Lane and on the easterly and southerly sides by the yard of the Victoria Mills on the north-westerly side of those mills.

2. A piece of land (containing by admeasurement two thousand one hundred and seventy-seven square yards or thereabouts) situate at Earby aforesaid belonging or reputed to belong to the Mill Company Limited upon which or upon part whereof one of the existing gasometers of the Mill Company Limited is constructed part of a close of land called the West Green Close and bounded on the northerly and westerly sides by the yard or vacant land of the Victoria Mills and weaving shed on the easterly side by vacant land other part of the West Green Close belonging or reputed to belong to Matthew Watson and on the southerly side by the yard or vacant land adjoining the Green End Shed belonging or reputed to belong to Henry Bracewell Limited.

SCHEDULE B.

The foregoing Order shall after the making by the Board of Trade of an Order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following:

Sections thirty to thirty-four of Gasworks Clauses Act 1847 to cease to be incorporated.

(i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section thirty-five of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund;

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(ii.) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such order of the Board of Trade as aforesaid per thousand cubic feet.

Price of gas with sliding scale as to dividend.

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows:—

In respect of any year during which the price charged by the Undertakers shall have been one penny or more above the standard price the dividend payable by the Undertakers shall in respect of each penny by which the price shall have been increased be reduced below the standard rate of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds:

And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds:

If profits exceed amount limited excess may be invested and form an insurance fund.

(iii.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of two justices due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

Application of further excess of profits over prescribed rates.

(iv.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

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Power to create a reserve fund and application thereof.

(v.) Where in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividend the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

Saving of existing contracts.

(vi.) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers.

Ilford.

ILFORD GAS.

Order empowering the Ilford Gas Light and Coke Company Limited to raise additional capital to purchase additional lands to construct and maintain additional works and for other purposes.

Short title.

1. This Order may be cited as the Ilford Gas Order 1894.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as the "commencement of this Order."

Construction of Order.

3. The Ilford Gas Order 1873 and the Ilford Gas Order 1881 (in this Order referred to as "the Order of 1873" and "the Order of 1881" respectively) as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order Provided that from and after the commencement of this Order sections thirty to thirty-four both inclusive of the Gasworks Clauses Act 1847 shall cease to be incorporated with or to form part of the Order of 1873 and section thirty-five of the said Gasworks Clauses Act shall for the purpose of incorporation with the Order of 1873 be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

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Ilford.

Interpretation.

4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or of any Act for the purposes of this Order the expression "the undertaking" shall include the undertaking authorised by the Order of 1873 together with the gasworks and works connected therewith by this Order authorised to be constructed and maintained.

Undertakers.

Undertakers.

5. The Ilford Gas Light and Coke Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Capital.

6. The share capital of the Undertakers for the purposes of the undertaking (authorised by the Order of 1873 the Order of 1881 and this Order) shall not exceed fifty-four thousand pounds consisting of the sum of five thousand pounds already raised by the Undertakers (in this Order referred to as "the original capital") the further sum of two thousand five hundred pounds already raised by the Undertakers (in this Order referred to as "the additional capital") the further sum of twelve thousand five hundred pounds already raised by the Undertakers (in this Order referred to as "the further additional capital") and the further sum (in this Order referred to as "the new capital") which notwithstanding the limitation prescribed by the Order of 1873 as amended by the Order of 1881 in respect of the amount of the share capital of the Undertakers the Undertakers are hereby authorised to raise and issue subject to the provisions of this Order not exceeding thirty-four thousand pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

New shares to be offered by auction or tender.

7. The Undertakers shall when any shares forming part of the said new capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

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Ilford.

Where proprietor tenders same amount as any other person proprietor to be declared the purchaser.

8. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Purchase-money of shares to be paid within three months.

9. It shall be one of the conditions of any sale of shares under the provisions of this Order that the whole nominal amount of each share together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Notice to be given as to sale of shares.

10. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares not sold by auction or by tender to be offered to shareholders.

11. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a resolution passed by the Undertakers. Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the new capital but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender not being less than the nominal value of such shares or stock and any stock or shares not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserve price and so from time to time until the whole of such shares or stock is sold.

Application of premium arising on issue of shares.

12. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of dividend on capital.

13. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the original additional further additional and new capital than the standard rates of dividend herein-after mentioned (namely) ten pounds in respect of every one hundred pounds actually paid up of such original capital seven pounds in respect of every one hundred pounds actually paid up of such additional further additional and new capital as may be issued as ordinary capital or six pounds in respect of

every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Application of dividends when insufficient for full payments.

14. In case in any year or in any half year if the Undertakers declare a dividend half-yearly the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates of dividend on each class of ordinary shares or stock in the original capital and in the additional further additional and new capital of the Undertakers such original capital additional capital further additional capital and new capital shall rank pari passu in respect of such dividend up to seven per centum.

Limit of borrowing powers.

15. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-fourth of the amount of the capital of the Undertakers actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers on mortgage after the commencement of this Order and secured as aforesaid.

If profits exceed the amount limited excess may be invested and form an insurance fund.

16. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstances which in the opinion of two justices due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part as aforesaid.

Application of further excess of profits over prescribed rates.

17. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Power to create a reserve fund and application thereof.

18. Where in any year the prescribed rates on the ordinary shares or stock in the original additional further additional and new capital exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the

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Ilford.

Undertakers applicable to the payment of the excess of dividend over the standard rates the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Purchase of Land.

Power to purchase additional lands by agreement.

19. Notwithstanding anything in section eight of the Order of 1873 contained the Undertakers may for the purposes of the undertaking authorised by the Order of 1873 and the Order of 1881 and this Order from time to time purchase or take on lease by agreement but not otherwise and hold in addition to the lands described in the schedules to the Order of 1873 and to this Order annexed any lands which they may require. Provided that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for such purposes under the powers granted to them by the said Orders more than three acres of land in the whole in addition to the lands described in the said schedules and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the schedules to the Order of 1873 and to this Order annexed.

Lands for Construction of Additional Gasworks.

Undertakers may construct and maintain additional gasworks on lands described in schedule and may make and sell gas &c.

20. Notwithstanding anything in the Order of 1873 contained the Undertakers on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed while they are possessed of the same may construct erect make and maintain and from time to time alter and enlarge renew or discontinue retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order make and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands store and manufacture patent fuel coal-tar coke pitch asphaltum and ammoniacal liquor oil and all such other residual products as aforesaid and may sell and dispose of the same at the works and elsewhere and may also deal in and sell lime at their works and elsewhere and they may also construct and maintain and from time to time alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

Power to contract for sale of gas in bulk.

21. The Undertakers may from time to time enter into and carry into effect and alter or rescind contracts and agreements with respect to the supply of gas in bulk by the Undertakers to any urban or rural sanitary authority or any company authorised to supply gas at such price and upon and under such

terms and conditions as may from time to time be agreed on Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or the breaking up of any road or street or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district.

Power to Undertakers to make purchase and supply gas appliances and apparatus &c.

22. The Undertakers may at the works or elsewhere manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let deal in and contract for doing work in connection with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to take licences for patents.

23. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or production or from the materials used therein.

Quality of Gas.

Quality of gas.

24. Notwithstanding anything in the Order of 1873 contained from and after the next quarter day after the commencement of this Order the quality of gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light provided by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

Fixing price of gas with sliding scale as to dividend.

25. From and after the next quarter day after the commencement of this Order section twelve of the Order of 1873 shall be repealed and the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be four shillings and sixpence per thousand cubic feet Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary shares or stock in the original additional further additional and new capital as follows:—

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price the dividend so payable by the Undertakers shall in respect of each penny by which the price so charged shall have exceeded the standard price be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds;

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Ilford.

And in respect of any year during which the price so charged by the Undertakers shall have been one penny or more below the standard price the dividend so payable by the Undertakers may in respect of each penny by which the standard price shall have exceeded the price so charged be increased above the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

Costs of Order.

26. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE.

Gas Lands.

A piece of land situate in the parish of Ilford in the county of Essex and belonging or reputed to belong to Sir Edward Hulse Baronet and now occupied by the Undertakers containing by admeasurement two roods and four poles or thereabouts bounded on the north by the High Road on the west by the Back River on the south by the land next herein-after described and on the east partly by land belonging or reputed to belong to the said Sir Edward Hulse now in the occupation of Messrs. C. H. Binney and Co. and partly by the land on which the existing works of the Undertakers are erected and scheduled in the Ilford Gas Order 1873.

A triangular piece of land situate in the parish of Ilford in the county of Essex and belonging or reputed to belong to the Undertakers and now in their occupation containing by admeasurement four acres and fifteen poles or thereabouts bounded on the north side partly by the piece of land above described as occupied by the Undertakers and partly by the said piece of land scheduled in the Ilford Gas Order 1873 and on the two remaining sides by the Back River and the River Rhoden or Roding to where these streams form a second junction.

Willenhall.

WILLENHALL GAS.

Order empowering the Willenhall Gas Company to raise additional capital and for other purposes.

Short title.

1. This Order may be cited as the Willenhall Gas Order 1894.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Construction of Order.

3. The Willenhall Gas Act 1857 (in this Order referred to as "the Act of 1857") and the Willenhall Gas Order 1892 (in this Order referred to as "the Order of 1892") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

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Willenhall.

Incorporation of Acts.

4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the several matters following (that is to say):—

The distribution of the capital of the company into shares;
The transfer or transmission of shares;
The payment of subscriptions and the means of enforcing the payment of calls;
The forfeiture of shares for non-payment of calls;
The remedies of creditors of the Company against the shareholders;
The borrowing of money by the Company on mortgage or bond;
The consolidation of the shares into stock;
The general meetings of the Company and the exercise of the right of voting by the shareholders;
The making of dividends;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869 are (except where expressly varied by this Order) incorporated with and form part of this Order.

For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

Interpretation.

5. In this Order the expression "the prescribed rates" means the rates of dividend authorised by the Act of 1857 the Order of 1892 and this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings.

Undertakers.

Undertakers.

6. The Willenhall Gas Company incorporated by the Act of 1857 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional Capital.

Additional capital.

7. In addition to the original and additional capital already authorised to be raised by the Undertakers under the Act of 1857 and the Order of 1892 (in this Order referred to as "the existing capital") they may from time to time—

(1.) Raise any further sums not exceeding in the whole eighteen thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the new capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued

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Willenhall.

under the authority of this Order vest in the person accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained upon the sale thereof as herein-after provided has been paid in respect thereof Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of eighteen thousand pounds; and

(2.) Borrow on mortgage in respect of the new capital by this Order authorised to be raised any sum or sums not exceeding in the whole four thousand five hundred pounds but not more than one half of that sum shall be borrowed until the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of the capital by this Order authorised to be raised has been subscribed for and one half of the amount payable in respect thereof has been paid up and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Except as otherwise provided new shares or stock to be subject to same incidents as other shares or stock.

8. Except as by this Order otherwise provided the new capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that new capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

New shares or stock to be offered by auction or tender.

9. The Undertakers shall when any shares or stock created under the powers of this Order are to be issued and before offering the same to the holders of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserve price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

Where proprietor tenders same amount as any other person proprietor to be declared the purchaser.

10. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share or stock offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or stock by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such share or stock.

Purchase money of capital sold by auction to be paid within three months.

11. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the whole nominal amount thereof together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Notice to be given of sale of shares or stock.

12. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares or stock not sold by auction or tender to be offered to shareholders.

13. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in manner provided by the Companies Clauses Act 1863 Provided that any share or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock created under the powers of this Order but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender (not being less than the nominal value of the shares or stock so offered) and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserve price and so from time to time until the whole of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

14. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limit of dividend on capital.

15. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the new capital than the standard rates of dividend herein-after mentioned (namely) seven pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as preference capital.

Dividends on different classes of shares or stock to be paid proportionately.

16. In case in any year or in any half year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the existing and new capital a proportionate reduction shall be made in the dividends payable on each class.

As to conversion of borrowed

17. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of debenture stock or any

A.D. 1894.

Willenhall.

part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Order.

money into capital.

Debenture stock.

18. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or this Order or any subsequent Act or Order shall (subject to the provisions of any subsequent Act or Order) rank pari passu without respect to the date of the securities or of the Acts of Parliament orders or resolutions by which the stock and mortgages were authorised and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Limit of interest on moneys borrowed.

19. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Power for Willenhall Local Board to purchase undertaking.

20. At any time within two years after the commencement of this Order the Undertakers may sell and transfer their undertaking to the Local Board of Health of the district of Willenhall (herein-after referred to as the Local Board) and the Local Board may with the consent of the Local Government Board purchase the same for such price and upon such terms and conditions as may be agreed upon and from and after such sale to the Local Board all the property real and personal and all rights powers and privileges authorities duties obligations and liabilities of the Undertakers in respect of the undertaking held enjoyed exercisable or to be performed by the Undertakers at the time of such sale other than and except powers relating to share and loan capital and of general meetings and directors or otherwise relating to the constitution and management of the Undertakers shall subject to all liabilities then affecting the same be transferred to and vested in and may and shall be enjoyed and exercised and performed by the Local Board as though the same had been acquired by and conferred upon the Local Board instead of the Undertakers.

Application of money.

21. All moneys raised under this Order shall be applied to the purposes of the undertaking to which capital is properly applicable.

Costs of Order.

22. All the costs charges and expenses of and incidental to the applying for obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

Gas Orders Confirmation (No. 1).

[H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Bolsover Gas, Earby and Thornton Gas, Ilford Gas, and Willenhall Gas.

(*Brought from the Lords* 18 *June* 1894.)

Ordered, by The House of Commons, *to be Printed,* 18 *June* 1894.

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[Bill 288.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Newquay (Cornwall) Gas, North Bierley Gas, Uttoxeter Gas, and Worthing Gas. A.D. 1894.

WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict. c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Gas Orders Confirmation (No. 2) Act, 1894. Short title.

2. The several Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and effect. Confirmation of Orders in schedule.

3. The Undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, purchase or acquire in any city, borough, or other urban sanitary district, or in any Special provisions as to houses of labouring class.

A.D. 1894.

parish or part of a parish not being within an urban sanitary district, ten or more houses which, on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, or, except with the consent of the Local Government Board, ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any persons who may be residing with them.

SCHEDULE OF ORDERS.

NEWQUAY (CORNWALL) GAS.—Order empowering the Newquay Gas Company, Limited, to maintain and continue gasworks and to manufacture and supply gas in the parishes of Saint Columb Minor and Crantock in the county of Cornwall.

NORTH BIERLEY GAS.—Order empowering the North Bierley Gas Company to raise additional capital.

UTTOXETER GAS.—Order empowering the Uttoxeter Gasworks, Limited, to maintain and continue gasworks and to manufacture and supply gas within the parish of Uttoxeter in the county of Stafford.

WORTHING GAS.—Order empowering the Worthing Gas Light and Coke Company to raise additional capital to construct and maintain additional works and for other purposes.

A.D. 1894.

Newquay

NEWQUAY (CORNWALL).

Order empowering the Newquay Gas Company Limited to maintain and continue Gasworks and to manufacture and supply Gas in the parishes of Saint Columb Minor and Crantock in the County of Cornwall.

Short title.

1. This Order may be cited as the Newquay (Cornwall) Gas Order 1894.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

Interpretation.

4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

Limits of Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be so much of the parishes of Saint Columb Minor and Crantock in the county of Cornwall as is bounded by a line commencing at low-water mark of ordinary tides at the north pier of Newquay Harbour and thence extending in an east and north-easterly direction along the low-water mark of ordinary tides past Glendorgal and St. Columb Porth to the highest point to which ordinary tides flow Thence along the southern side of the brook in a due easterly direction for a distance of seven hundred yards thence due south for three hundred and sixty yards thence due east for five hundred and ten yards thence due south for seven hundred and thirty yards to the public road leading from Treviglas to Rialton Barton and thence in a south-westerly direction for one thousand eight hundred and thirty-three yards to a point in the road leading from Trencreek to Trerice Mill south-east of and at a distance of one hundred and seventy yards

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measured along the road from its crossing by the Newquay branch of the Great Western Railway thence for thirty-six yards along the north-eastern boundary of such road and thence in a south-westerly direction for five hundred yards along the eastern boundary of the same road thence on the south side of the road to the village of Lane thence alongside the south-western boundary of the road leading from Lane to Mellanvrane and from Mellanvrane along the north side of the brook to the Gannel and thence along its northern shore following the high-water mark of ordinary tides to Point Noe and thence along the coast at high-water mark of ordinary tides to Spy Cove thence in a south-easterly direction along the high-water mark of ordinary tides to the north pier at Newquay Harbour.

Undertakers.

Undertakers.

6. The Newquay Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Capital.

7. The share capital of the Undertakers for the purposes of the undertaking shall not exceed twelve thousand five hundred pounds consisting of the share capital already raised or proposed to be raised by the Undertakers of eight thousand pounds whereof a sum of six thousand pounds shall be deemed to have been expended before the commencement of this Order (in this Order referred to as the "original capital") and of additional share capital (in this Order referred to as the "additional capital") to be issued subject to the provisions of this Order not exceeding four thousand five hundred pounds including any premiums which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament Provided always that it shall not be lawful for the Undertakers to create or issue any part of the additional capital unless and until the whole of the remaining sum of two thousand pounds part of the original capital shall have been raised and expended.

New shares to be offered by auction or tender.

8. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers offer the same for sale by public aution or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

9. Where the amount bidden or tendered by the proprietor of any share or stock of the the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Where proprietor bids or tenders same amount as any other person proprietor to be declared the purchaser.

10. It shall be one of the conditions of any sale of shares under the provisions of this Order that the whole nominal amount of each share together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months of such sale.

Purchase money of shares to be paid within three months.

11. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Notice to be given as to sale &c. of shares.

12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender not being less than the nominal value of such stock or shares and any stock or shares not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserve price and from time to time until the whole of such stock or shares is sold.

Shares not sold by auction or by tender to be offered to shareholders.

13. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of premium arising on issue of shares.

14. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the original and additional capital than the standard rates of dividend hereinafter mentioned namely ten pounds in respect of every one hundred pounds actually paid up of such original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred

Limits of dividend on capital.

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pounds actually paid up of so much of such additional capital as may be issued as preference capital.

Dividends on different classes of shares or stock to be paid proportionately.

15. In case in any year or in any half-year if the Undertakers declare a dividend half-yearly the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original and additional capital a proportionate reduction shall be made in the dividends payable on each class.

Limit of borrowing powers.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-fourth of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Purchase of Land.

Power to purchase additional land by agreement.

17. The Undertakers may for the purposes of the undertaking from time to time purchase or take on lease by agreement but not otherwise and hold in addition to the lands described in the schedule to this Order any lands which they may require Provided that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule and that they shall not create or permit a nuisance or any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

Maintenance and Continuance of Gasworks—Manufacture and Sale of Gas Coke and Residual Products.

Undertakers may maintain and continue gasworks on lands described in schedule and may make and sell gas &c.

18. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order while they are possessed of the same may maintain and continue and from time to time alter enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order manufacture and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store coal-tar coke pitch asphaltum and ammoniacal liquor oil and all such other residual products as aforesaid and may sell and dispose of the same at their works and elsewhere and may also deal in and sell lime at their works elsewhere and they may also construct and maintain and from time to time alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

Power to Undertakers to purchase and supply gas appliances and apparatus.

19. The Undertakers may at their works or elsewhere manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating and for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to take licences for use of patents.

20. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply and distribution of gas or the conversion manufacture or utilisation of any product obtainable in or arising from such manufacture or from the materials used therein.

Power to contract for sale of gas in bulk.

21. The Undertakers may from time to time enter into and fulfil and may alter or rescind contracts and agreements with respect to the supply of gas in bulk beyond the limits of supply to any urban or rural sanitary authority or any company authorised to supply gas at such price and upon such terms and conditions as may from time to time be agreed upon Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or the breaking up of any road or street or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district.

For protection of Great Western Railway Company.

22. (1.) Any mains or pipes which the Undertakers may lay down in or along any road crossing the Cornwall Minerals Railway (hereinafter referred to as "the railway") either over under or on the level of the railway shall so far as they may affect such railway and except in case of emergency be laid down by the Undertakers at such times as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the Great Western Railway Company and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and reasonably approved of by him in writing and any of such mains or pipes from time to time renewed or repaired by the Undertakers shall be renewed and repaired in the same manner and under the like conditions Provided that if the said engineer does not express his approval or disapproval of the said plans and sections within fourteen days after the same shall have been submitted to him he shall be deemed to have approved thereof Provided also that where any mains or pipes are required to be laid under or over any level crossing of the said railway the Great Western Railway Company may if they elect so to do themselves lay the said mains or pipes at the costs charges and expenses of the undertakers.

(2.) The said mains or pipes shall be so laid down maintained repaired and used by the Undertakers as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and works.

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(3.) The Undertakers shall at all times keep the Great Western Railway Company indemnified against all damages losses expenses or injuries which they or the traffic on the said railway may sustain or incur by reason or in consequence of the failure of any such mains and pipes as aforesaid.

Differences with road authorities or railway or other companies.

23. If any difference arise between the Undertakers and any road authority or railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

24. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

Price of gas.

25. The price to be charged by the Undertakers for gas supplied by them shall not exceed six shillings per thousand cubic feet and so in proportion for any less quantity supplied Provided that at any time after the expiration of five years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a secretary or an assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of six shillings or by fixing a standard price with sliding scale as to profits and as from the date specified in such Order (hereinafter referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such Order Provided further that in case such Order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly A copy of any such Order made by the Board of Trade shall be published in the "London Gazette" and a copy of the said Gazette containing such Order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Pressure of Gas.

Pressure of gas.

26. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing of Gas.

Testing gas.

27. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein

according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one and three-quarter inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

Miscellaneous.

No penalty in case of unavoidable cause.

28. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

Undertakers to pay interes on deposit.

29. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Incorporation of Section 140 of 8 Vict. cap 16.

30. Section one hundred and forty of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

Costs of Order.

31. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE A.

Gas Lands.

A piece of land (containing by admeasurement one thousand three hundred and eighty square yards or thereabouts) in the parish of Saint Columb Minor in the county of Cornwall belonging or reputed to belong to the Undertakers and on

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which their existing gasworks are constructed which piece of land is bounded on the south-west by the passenger station of the Great Western Railway at Newquay and on the north-east by the road leading from the Great Western Hotel at Newquay to Tolcarne.

SCHEDULE B.

The foregoing Order shall after the making by the Board of Trade of an order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following :—

Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

(i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section thirty-five of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive have been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund.

Price of gas with sliding scale as to dividend.

(ii.) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such order of the Board of Trade as aforesaid per thousand cubic feet.

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary shares or stock in the share capital of the Undertakers as follows :—

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price the dividend so payable by the Undertakers shall in respect of each penny by which the price so charged shall have exceeded the standard price be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

And in respect of any year during which the price so charged by the Undertakers shall have been one penny or more below the standard price the dividend so payable by the Undertakers may in respect of each penny by which the standard price shall have exceeded the price so charged be increased above the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

If profits exceed amount limited excess may be

(iii.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the

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sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstances which in the opinion of two justices due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

invested and form an insurance fund.

(iv.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Application of further excess of profits over prescribed rates.

(v.) When in any year the prescribed rates on the ordinary share capital or stock of the Undertakers exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of the excess of dividends over the standard rates the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

Power to create a reserve fund and application thereof.

(vi.) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers.

Saving of existing contracts.

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NORTH BIERLEY.

Order empowering the North Bierley Gas Company to raise Additional Capital.

Short title.

1. This Order may be cited as the North Bierley Gas Order 1894.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Construction of Order.

3. The North Bierley Gas Act 1863 (in this Order referred to as "the Act of 1863"), the North Bierley Gas Order 1875 (in this Order referred to as "the Order of 1875") and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order The expression "the prescribed rates" means the rates of dividend authorised by the Act of 1863 and the Order of 1875 on the capital of the Undertakers raised under the said Act or Order or such rate as reduced or increased in accordance with the provisions of this Order.

Incorporation of Acts.

4. So far as the same relate to the powers conferred by this Order, the provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following that is to say :—

The borrowing of money by the Company on mortgage or bond ;

The giving of notices ; and

The provisions for affording access to the special Act by all parties interested ;

and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 are (except where expressly varied by this Order) incorporated with and form part of this Order.

For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

Undertakers.

5. The North Bierley Gas Company incorporated by the Act of 1863 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional Capital.

Additional capital.

6. In addition to the capital already authorised to be raised by the Undertakers they may from time to time borrow on mortgage forthwith on the commencement of this Order in respect of the existing capital authorised by the Act of 1863 any sums not exceeding in the whole nine thousand three hundred and seventy-five pounds.

As to conversion of borrowed money into capital.

7. The Undertakers shall not have power to raise the money by the Order of 1875 or this Order authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert the same or any part thereof into capital.

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8. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies' Clauses Act 1863 but notwithstanding anything therein or in any Act or Order previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or Order or under this Order or any subsequent Act or Order shall subject to the provisions of any subsequent Act or Order rank pari passu (without respect to the dates of the securities or of the Acts of Parliament orders or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Power to issue debenture stock.

9. All mortgages granted by the Undertakers under the authority of the Order of 1875 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the said Order have priority over all mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers and notwithstanding anything in the said Order contained all debenture stock at any time created and issued by the Undertakers after the commencement of this Order whether under the said Order or this Order shall rank pari passu.

Priority of existing mortgages.

10. Notwithstanding anything contained in the Act of 1863 or the Order of 1875 or any other Act or Order the Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than four pounds per centum in respect of any moneys borrowed or raised by the creation and issue of debenture stock under the authority of this Order the Act of 1863 or the Order of 1875.

Limit of interest on moneys borrowed.

11. The Mortgagees of the Undertakers under this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order.

Appointment of a receiver.

12. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1863 the Order of 1875 and this Order.

Application of money.

Quality of Gas.

13. Notwithstanding anything contained in Section 43 of the Act of 1863 and Section 12 of the Order of 1875 from and after the next quarter day after the commencement of this Order the quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Quality of gas.

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Price of Gas.

Price of gas.

14. Notwithstanding anything contained in Section 35 of the Act of 1863 from and after the next quarter day after the commencement of this Order subject to the provision hereinafter contained the price to be charged by the Undertakers for gas supplied by them shall not exceed four shillings per thousand cubic feet and so in proportion for any less quantity supplied Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of four shillings or by fixing a standard price with sliding scale as to profits and as from the date specified in such order (hereinafter referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order Provided further that in case such order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in the schedule to this Order shall be in force and have effect and this Order shall be read and construed accordingly A copy of any such order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Costs of Order.

15. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE.

The foregoing Order shall after the making by the Board of Trade of an order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following :—

Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

(i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section thirty-five of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by the foregoing order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund.

Price of gas with sliding scale as to dividend.

(ii.) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such order of the Board of Trade as aforesaid per thousand cubic feet.

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Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital or stock as follows :—

In respect of any year during which the price charged by the Undertakers shall have been one penny or more above the standard price the dividend payable by the Undertakers shall in respect of each penny by which the price shall have been increased be reduced below the standard rate of dividend by five shillings on every hundred pounds of paid up ordinary capital and so in proportion for any fraction of one hundred pounds.

And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by five shillings on every hundred pounds of ordinary paid up capital and so in proportion for any fraction of one hundred pounds.

If profits exceed amount limited excess may be invested and form an insurance fund.

(iii.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of two justices due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid up capital of the Undertakers the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

Application of further excess of profits over prescribed rates.

(iv.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Power to create a reserve fund and application thereof.

(v.) When in any year the prescribed rates on the ordinary share capital or stock exceed the standard rate by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividend the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all

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sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

Saving of existing contracts.

(vi.) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers.

Uttoxeter.

UTTOXETER.

Order empowering the Uttoxeter Gasworks Limited to maintain and continue Gasworks and to manufacture and supply Gas within the Parish of Uttoxeter in the County of Stafford.

Short title.

1. This Order may be cited as the Uttoxeter Gas Order 1894.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorporation of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 (except sections thirty to thirty-four both inclusive) and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order Provided that for the purpose of such incorporation section thirty-five of the said Gasworks Clauses Act 1847 shall be read and construed as though the words from in "case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

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4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued. Interpretation.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Uttoxeter in the County of Stafford. Limits of Order.

Undertakers.

6. The Uttoxeter Gasworks Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.

Capital.

7. The share capital of the Undertakers for the purposes of the undertaking shall not exceed ten thousand pounds consisting of the sum of seven thousand five hundred pounds already raised or authorised to be raised by the Undertakers (in this Order referred to as "the original capital") and of additional capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding two thousand five hundred pounds including any premiums which may be obtained on the sale of any shares under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament. Capital.

8. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other shares of the Undertakers offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserve price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares of the Undertakers. New shares to be offered by auction or tender.

9. When the amount bidden or tendered by the proprietor of any share of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot. When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

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Purchase money of shares to be paid within three months.

10. It shall be one of the conditions of any sale of shares under the provisions of this Order that the whole nominal amount of each share together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Notice to be given as to sale of shares.

11. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares not sold by auction or tender to be offered to shareholders.

12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender (not being less than the nominal value of the shares so offered) and any shares not then sold shall again be offered to the holders of ordinary shares at the last-mentioned reserved price and so from time to time until the whole of such shares is sold.

Application of premium arising on issue of shares.

13. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of dividend on capital.

14. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the original and additional capital than the standard rates of dividend hereinafter mentioned namely ten pounds in respect of every one hundred pounds actually paid up of such original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as preference capital.

Dividends on different classes of ordinary shares to be paid proportionately.

15. In case in any year or in any half year if the Undertakers declare a dividend half-yearly the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares in the original and additional capital a proportionate reduction shall be made in the dividends payable on each class.

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Limit of borrowing powers.

16. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-fourth of the amount of the capital of the Undertakers actually raised by the issue of shares including any premiums that may be obtained on the sale of any shares under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

If profits exceed the amount limited excess may be invested and form an insurance fund.

17. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the funds so formed amount to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstances which in the opinion of two justices due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth part of the paid-up capital as aforesaid.

Application of further excess of profits over prescribed rates.

18. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Power to create a reserve fund and application thereof.

19. When in any year the prescribed rates on the ordinary shares in the original or additional capital exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the Undertakers applicable to the payment of the excess of dividend over the standard rates the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay

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the prescribed rates and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Purchase of Land.

Power to purchase additional land.

20. The Undertakers may for the purposes of the undertaking from time to time purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in the schedule to this Order annexed any lands which they may require Provided that they shall not create or permit a nuisance on any such lands and that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the same schedule and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

Maintenance and Continuance of Gasworks—Manufacture and Sale of Gas Coke and Residual Products.

Undertakers may maintain and continue gasworks on lands described in schedule and may make and sell gas &c.

21. The Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed while they are possessed of the same maintain and continue and from time to time alter and enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order make and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store coal-tar coke pitch asphaltum and ammoniacal liquor oil and all such other residual products as aforesaid and may sell and dispose of the same at the works and elsewhere and may work up the ammoniacal liquor into liquor ammoniac sulphate or carbonate of ammonia and may also deal in and sell lime at the works and elsewhere and they may also construct and maintain and from time to time alter enlarge extend and renew or discontinue houses offices buildings and other works connected with the undertaking.

Power to Undertakers to purchase and supply gas appliances and apparatus.

22. The Undertakers may at the works or elsewhere manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking ranges and other apparatus and may also manufacture purchase hire sell let deal in and contract for doing work in connection with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to take licences for patents.

23. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive rights therein) contract for take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply

or distribution of gas or the conversion manufacture or utilisation of any product obtainable in or arising from such manufacture or production or from the materials used therein.

Power to contract for sale of gas in bulk.

24. The Undertakers may from time to time enter into and carry into effect and alter or rescind contracts and agreements with respect to the supply of gas in bulk beyond the limits of supply to any urban or rural sanitary authority or any company authorised to supply gas at such price and upon and under such terms and conditions as may from time to time be agreed on Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or of the breaking up of any road or street or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district.

Difference with railway and other companies.

25. If any difference arise between the Undertakers and any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

26. The quality of gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

Fixing price of gas with sliding scale as to dividend.

27. The standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be three shillings and twopence per thousand cubic feet Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary shares in the original and additional capital as follows:—

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price the dividend so payable by the Undertakers shall in respect of each penny by which the price so charged has exceeded the standard price be reduced below the standard rates of dividend by five shillings on every one hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

And in respect of any year during which the price so charged by the Undertakers shall have been one penny or more below the standard price the dividend so payable by the Undertakers may in respect of each penny by which the standard price has exceeded the price so charged be increased above the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so on in proportion for any fraction of one hundred pounds.

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Pressure of Gas.

Pressure of gas.

28. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing Gas.

Testing gas.

29. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch in height by one and three-quarter inch internal diameter glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority and two hours previous notice shall be given to the Undertakers of the time and place at which such testing is to be conducted.

Miscellaneous.

Power to refuse to supply persons in debt for other property.

30. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by them without paying to them all gas or meter rent or other moneys due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pay the same.

Period of error in defective meters.

31. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have arisen only during the last completed quarter and the current quarter of the year in which the said meter shall be so tested unless the contrary shall be proved to the satisfaction of the inspector testing the said meter under the said Act. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers in pursuance of the certificate of the inspector shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in a court of competent jurisdiction for the recovery of debts of like amount.

No penalty in case of unavoidable cause.

32. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

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33. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any money which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. Undertakers to pay interest on deposit.

34. Section one hundred and forty of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers. 8 Vict. c. 16. s. 140 incorporated.

35. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers. Cost of Order.

SCHEDULE.

Gas Lands.

A piece of land situate in the parish of Uttoxeter in the County of Stafford containing by admeasurement four thousand six hundred and eight square yards or thereabouts upon which the works of the Undertakers are erected and bounded on or towards the north by land belonging or reputed to belong to the executors of the late Francis Joseph Bladon and in the occupation of Benjamin Heywood Herbert on or towards the east by land belonging or reputed to belong to and in the occupation of the Undertakers on or towards the south by land belonging or reputed to belong to the executors of the late George Goodwin Bladon and in the occupation of the said Benjamin Heywood Herbert and on or towards the west by the footpath leading from Slade Lane near the Limekilns to Derby Road near Dovebank.

WORTHING.

Worthing.

Order empowering the Worthing Gaslight and Coke Company to raise Additional Capital to construct and maintain Additional Works and for other purposes.

1. This Order may be cited as the Worthing Gas Order 1894. Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commencement of Order.

3. The Worthing Gas Acts 1868 and 1875 (in this Order referred to as "the Acts of 1868 and 1875") and this Order shall be construed together except so Construction of Order.

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far as such construction would be inconsistent with or repugnant to the provisions of this Order Provided that from and after the commencement of this Order Sections 30 to 34 both inclusive of the Gasworks Clauses Act 1847 shall cease to be incorporated with or to form part of the Acts of 1868 and 1875 and Section 35 of the said Gasworks Clauses Act shall for the purpose of incorporation with the said Acts be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by this Order together with any sum which under the provisions of this Order might lawfully be carried to the insurance fund.

Incorporation of Acts.

4. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 1888 and 1889 with respect to the several matters following (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against shareholders;

The borrowing of money by the Company on mortgage or bond;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 and the provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) are (except where expressly varied by this Order) incorporated with and form part of this Order.

For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

Interpretation.

5. In this Order the expression "the prescribed rates" means the rates of dividend authorised by the Acts of 1868 and 1875 and this Order on the capital of the Undertakers or such rates as reduced or increased in acccordance with the provisions of this Order the expression "limits of supply" means the Company's authorised limits of supply under the Acts of 1868 and 1875 and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings.

Undertakers.

Undertakers.

6. The Worthing Gas Light and Coke Company incorporated by the Act of 1868 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Additional Capital. A.D. 1894.

Worthing.

Additional capital.

7. In addition to the capital of the Undertakers authorised by the Acts of 1868 and 1875 (in this Order referred to as "the existing capital") they may from time to time—

(1) Raise any further sums not exceeding in the whole thirty-two thousand pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the new capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained upon the sale thereof as hereinafter provided has been paid in respect thereof Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of thirty-two thousand pounds and

(2) Borrow on mortgage in respect of the new capital of thirty-two thousand pounds by this Order authorised to be raised by the issue of shares or stock any sum or sums not exceeding in the whole eight thousand pounds at the times and subject to the restrictions next hereinafter contained that is to say whenever it has been proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 that a full sum of six thousand four hundred pounds of the amount hereby authorised to be raised by new shares or new stock has been subscribed for and one-half of the amount payable in respect thereof has been paid up the sum of one thousand six hundred pounds in respect of each sum of six thousand four hundred pounds in shares or stock and upon production to such justice of the books of the Undertakers and such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Except as otherwise provided new shares or stock to be subject to the same incidents as other share or stock.

8. Except as by this Order otherwise provided the new capital created by the Undertakers under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that new capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

New shares or stock to be offered by auction or tender.

9. The Undertakers shall when any shares or stock forming part of the new capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred

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Worthing.

pounds nominal value of shares or stock and that the reserve price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserve price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

10. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any share or stock offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or stock by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such share or stock.

Purchase money of capital sold by auction to be paid within three months.

11. It shall be one of the conditions of any sale of shares or stock under the provisions of this Order that the whole nominal amount thereof together with any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months after such sale.

Notice to be given of sale of shares or stock.

12. The intention to sell any shares or stock by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London stock exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares or stock not sold by auction or tender to be offered to shareholders.

13. When any shares or stock have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserve price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in manner provided by the Companies Clauses Act 1863 Provided that any share or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares and stock forming part of the new capital but at a lower reserve price than the price put upon the same at the preceding offer thereof for sale by auction or tender not being less than the nominal value of such shares and any stock or shares not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserve price and so from time to time until the whole of such shares or stock is sold.

Application of premium arising on issue of shares or stock.

14. Any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the

Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of dividend on capital.

15. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividend on the said existing and new capital than the standard rates of dividend hereinafter mentioned namely ten pounds in respect of every one hundred pounds actually paid up of the capital defined by the Act of 1868 as "original capital" and seven pounds in respect of every one hundred pounds actually paid up of the capital respectively defined by the Acts of 1868 and 1875 as "additional capital" and "additional shares or additional stock" and seven pounds in respect of every one hundred pounds actually paid up of so much of the new capital authorised by this Order as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such new capital as may be issued as preference capital.

Dividends on different classes of shares or stock to be paid ratably.

16. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the existing and new capital of the Undertakers a proportionate reduction shall be made in the dividend payable on each class.

As to conversion of borrowed money into capital.

17. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Order unless in either case the dividend upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five per centum per annum.

Debenture stock.

18. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein or in any Act previous to this Order contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under any previous Act or this Order or any subsequent Act or Order shall (subject to the provisions of any subsequent Act or Order) rank pari passu without respect to the date of the securities or of the Acts of Parliament Orders or resolutions by which the stock and mortgages were authorised and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Existing mortgages to have priority.

19. All mortgages granted by the Undertakers under the authority of the Acts of 1868 and 1875 or either of them before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the said Acts have priority over all mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers and notwithstanding anything in the said Acts contained all debenture stock at any time created and issued by the Undertakers after the commencement of this Order whether under the said Acts or this Order shall rank pari passu.

Limit of interest on moneys borrowed.

20. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Appointment of a receiver.

21. The mortgagees of the Undertakers under this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order.

If profits exceed the amount limited excess may be invested and form an insurance fund.

22. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which fund shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of two justices due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may be had from time to time to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

Application of further excess of profits over prescribed rates.

23. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Power to create a reserve fund and application thereof.

24. Where in any year the prescribed rates on the ordinary shares or stock in the existing and new capital of the Undertakers exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the price in that behalf hereinafter provided then out of the amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividend over the standard rates the Undertakers may in such year set apart such sums as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the commencement of this Order may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and

shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates and save as by this Order specially provided no sum shall in any year be carried by the Undertakers to any reserve fund.

Application of money.

25. All moneys raised under this Order shall be applied to the purposes of the Undertaking to which capital is properly applicable and the Company may apply for the purposes of this Order any money which they have in hand or may raise under the powers of the Acts of 1868 and 1875 or either of them.

Purchase of Lands.

Purchase of lands by agreement.

26. Notwithstanding anything contained in the Acts of 1868 and 1875 the Undertakers may for the purposes of the undertaking from time to time purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands acquired under the authority of the said Acts and the lands described in the schedule to this Order annexed any lands which they may require Provided that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule and that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule.

Lands for Construction of Additional Gasworks.

Undertakers may maintain and continue gasworks on lands described in schedule and may make and sell gas &c.

27. Notwithstanding anything contained in the Acts of 1868 and 1875 the Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed when they have acquired and while they are possessed of the same as well as on the lands already acquired by them under the said Acts while they are possessed of the same maintain and continue and from time to time alter and enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order manufacture and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store coal-tar coke pitch asphaltum and ammoniacal liquor oil and all such other residual products as aforesaid and may sell and dispose of the same at their works and elsewhere and they may also construct and maintain and from time to time alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

Power to make gas meters &c.

28. The Undertakers may at the works or elsewhere manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or

A.D. 1894.

Worthing.

with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to contract for sale of gas in bulk.

29. The Undertakers may from time to time enter into and carry into effect and alter or rescind contracts and agreements with respect to the supply of gas in bulk beyond the limits of supply to any urban or rural sanitary authority or any company authorised to supply gas at such price and upon such terms and conditions as may from time to time be agreed on Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or the breaking up of any road or street or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district.

Price of Gas.

Fixing price of gas with sliding scale as to dividend.

30. From and after the first quarter-day next after the commencement of this Order section 62 of the Act of 1868 and section 24 of the Act of 1875 shall be repealed and as from that date the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be four shillings and threepence per thousand cubic feet Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price or the price in that behalf hereinafter mentioned respectively subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary shares or stock in the existing and new capital as follows:—

In respect of any year during which the price so charged by the Undertakers shall have been one penny or more above the standard price the dividend so payable by the Undertakers shall in respect of each penny by which the price so charged shall have exceeded the standard price be reduced below the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

And in respect of any year during which the price charged by the Undertakers shall have been one penny or more below three shillings and ninepence the dividend so payable by the Undertakers may in respect of each penny by which the said price of three shillings and ninepence shall have exceeded the price so charged be increased above the standard rates of dividend by five shillings on every hundred pounds of ordinary paid-up capital and so in proportion for any fraction of one hundred pounds.

Provided always that in case the coal duty now levied in the district of Worthing under the Act (Local) of 1 & 2 George IV. chapter fifty-nine shall at any time cease to be levied or if the Undertakers shall at any time be authorised to erect works for the manufacture of gas outside the district of Worthing so as to be exempt from the said duty on coals this section shall from and after the first quarter-day after the date of such cesser or erection as the case may be be read and have effect as if the words four shillings per thousand cubic feet was therein contained instead of the words four shillings and threepence per thousand cubic feet and the words three shillings and sixpence instead of the words three shillings and ninepence respectively.

Quality of Gas.

Quality of gas.

31. Notwithstanding anything contained in the Act of 1875 from and after the first quarter-day next after the commencement of this Order, the quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Miscellaneous.

Exemption from penalty in certain cases.

32. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

Undertakers to pay interest on deposit.

33. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Costs of Order.

34. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE.

Lands acquired or to be acquired by the Company.

A piece of land in the parish of Broadwater and county of Sussex situate at Worthing containing eight acres one rood eleven poles or thereabouts and bounded as follows namely on the south by the London Brighton and South Coast Railway on the west in great part by the road leading from the east end of Worthing to Broadwater known as Ham Lane on the remaining part of the west by an accommodation road and on the north by the river ditch.

Lands described in the Schedule to the Act of 1875.

Part I.

The land and the existing gas and other works houses and buildings erected and built thereon belonging to the Company bounded on the north by Lyndhurst Road (formerly called Anchor Lane) on the east by Park Road (formerly called East Lane otherwise East Street) on the south by garden ground formerly belonging or reputed to belong to and in the occupation of Mrs. Letitia Dawes but now of Henry Dawes and on the west formerly by pasture land belonging or reputed to belong to the said Letitia Dawes but now forming other part of the said gasworks all in the borough of Worthing in the parish of Broadwater in the county of Sussex and containing by admeasurement one rood three perches or thereabouts.

A.D. 1894.

PART II.

Worthing.

A piece of land formerly pasture immediately adjoining and situate on the west side of the above-mentioned gasworks of the Company with the gas and other works and buildings thereon and formerly belonging or reputed to belong to Miss Sophia Jones and formerly in the occupation of Colonel William Humphrey Limer but now used as an addition to the said gasworks bounded on the north by Lyndhurst Road (formerly called Anchor Lane) aforesaid on the east by the said above-mentioned gasworks of the Company and on the south and west by land formerly belonging or reputed to belong to the said Letitia Dawes and now to the said Henry Dawes and formerly in the occupation of the said Letitia Dawes and now of the said Henry Dawes all in the borough of Worthing in the said parish of Broadwater and containing by admeasurement one acre and five perches or thereabouts.

Gas Orders Confirmation (No. 2).

[H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Newquay (Cornwall) Gas, North Bierley Gas, Uttoxeter Gas, and Worthing Gas.

(*Brought from the Lords* 15 *June* 1894.)

Ordered, by The House of Commons, *to be Printed,* 15 *June* 1894.

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[*Price* 3*d.*]

[Bill 286.]

Grocers' Certificates (Scotland) Abolition Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title and extent.
2. Dealers' or grocers' certificates not to be granted after 1st April 1897.
3. Certificated sellers of exciseable liquors not to carry on business of grocer.
4. Nothing to repeal or affect recited Acts, except to give effect to this Act.

A

B I L L

TO

Abolish Dealers' or Grocers' Certificates in Scotland.

A.D. 1894.

WHEREAS the combination of the grocery and spirit trade in Scotland has been productive of great evil, and whereas it is expedient to amend the Licensing (Scotland) Acts, 1828 to 1887, in respect to the granting of certificates to dealers in exciseable liquors, and grocers and provision dealers trading in such liquors:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and extent.

1. This Act may be cited as the Grocers' Certificates (Scotland) Abolition Act, 1894, and shall apply to Scotland only.

Dealers' or grocers' certificates not to be granted after 1st April 1896.

2. After the *first day of April, one thousand eight hundred and ninety-seven*, it shall not be lawful to the justices of the peace for any county or district, nor to the magistrates of any royal or parliamentary burgh in Scotland, to grant any certificates for the sale of spirits, wine, beer, or other exciseable liquors, except certificates for inns and hotels or public-houses.

Certificated sellers of exciseable liquors not to carry on business of grocer.

3. After the *fifteenth day of May, one thousand eight hundred and ninety-seven*, it shall not be lawful for any person holding a certificate for the sale of spirits, wine, beer, or other exciseable liquors, to carry on the business of a grocer and provision merchant, or any such business, although conducted in separate premises.

Nothing to repeal or affect recited Acts, except to give effect to this Act.

4. Nothing herein contained shall be held to repeal or affect the provisions of the recited Acts, or any of them, except in so far only as shall be necessary to give effect to the provisions of this Act; and the provisions and enactments contained in the recited Acts, so far as not repealed, shall extend, and be construed, deemed, and taken to extend to and form part of this Act, in the same manner, and as fully, and to all intents and purposes, as if the said provisions and enactments were herein repeated and set forth at length.

Grocers' Certificates (Scotland) Abolition.

A

B I L L

To abolish Dealers' or Grocers' Certificates in Scotland.

(*Prepared and brought in by Sir John Leng, Mr. John Wilson (Govan), Mr. Crombie, and Mr. Dalziel.*)

Ordered, by The House of Commons, *to be Printed*, 20 *March* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* 1*d.*]

[Bill 114.]

A

B I L L

TO

Abolish the retail sale of Spirits, Wine, and Beer by Shopkeepers. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue to shopkeepers of licenses for the sale of spirits, &c. prohibited.

1. On and after the expiration of the licenses now in force for the retail sale of spirits, wine, and beer by persons who keep shops for the sale of goods and commodities other than foreign wines, no such licenses shall be granted either by way of renewal or otherwise, notwithstanding anything to the contrary contained in the Wines and Refreshment Houses Act, 1860, the Licensing Act, 1872, or any other Act now in force.

Extent of Act.

2. This Act shall not extend to Scotland or Ireland.

Short title.

3. This Act may be cited as the Grocers Licenses Abolition Act, 1894.

Grocers Licenses Abolition.

A

B I L L

To abolish the retail sale of Spirits, Wine, and Beer by Shopkeepers.

(*Prepared and brought in by Mr. David Thomas, Mr. Lloyd-George, Major Jones, Mr. Alfred Thomas, Mr. Whittaker, and Mr. John Wilson* (*Durham*).)

Ordered, by The House of Commons, *to be Printed*, 5 *April* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 145.]

A

B I L L

TO

Amend "The Ground Game Act, 1880."

A.D. 1894.

WHEREAS it is expedient in the interest of good husbandry, and for the better security for the capital and labour invested by the occupiers of land in the cultivation of the soil, that further provision should be made to enable such occupiers to protect their crops from injury and loss by ground game, and in order to effect these beneficial purposes it is further desirable to free such occupiers from certain restrictions contained in the Ground Game Act, 1880:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of ss. 1, 2, and 6 of the Ground Game Act, 1880.

1. From and after the *first day of September one thousand eight hundred and ninety-four*, sections one, two, and six of the Ground Game Act, 1880, shall be and are hereby repealed.

Occupier to have the right, inseparable from his occupation, to kill ground game concurrently with any other person entitled to kill the same on land in his occupation.

2. Every occupier of land shall have, as incident to and inseparable from his occupation of the land, the right to kill and take ground game thereon concurrently with any other person who may be entitled to kill and take ground game on the same land.

Provided that the right conferred on the occupier by this section shall be subject to the following limitations:—

(1.) A person shall not be deemed to be an occupier of land for the purposes of this Act by reason of his having a right of common over such lands, or by reason of an occupation for the purpose of grazing or pasturage of sheep, cattle, or horses for not more than nine months.

(2.) In the case of moorlands and uninclosed lands (not being arable lands) the occupier, and the persons authorised by him, shall exercise the rights conferred by this section only from the *eleventh day of December* in one year until the *thirty-first day of March* in the next year both inclusive; but this

A.D. 1894.

provision shall not apply to detached portions of moorlands or uninclosed lands adjoining arable lands where such detached portions of moorlands or uninclosed lands are less than twenty-five acres in extent.

Occupier entitled to kill ground game on land in his occupation not to divest himself wholly of such right.

3. Where the occupier of land is entitled otherwise than in pursuance of this Act to kill and take ground game thereon, if he shall give to any other person a title to kill and take such ground game, he shall, nevertheless, retain and have, as incident to and inseparable from such occupation, the same right to kill and take ground game as is declared by the second section of this Act. Save as aforesaid, the occupier may exercise any other or more extensive right which he may possess in respect of ground game or other game in the same manner and to the same extent as if this Act had not been passed.

This Act to be construed with the unrepealed sections of the Ground Game Act, 1880.

4. This Act and the unrepealed sections of the Ground Game Act, 1880, shall be read and construed as one Act.

Short title.

5. This Act may be cited for all purposes as the Ground Game Act, 1880, Amendment Act, 1894.

Ground Game Act (1880) Amendment.

A

B I L L

To amend "The Ground Game Act, 1880."

(Prepared and brought in by Mr. Billson, Mr. Lambert, Mr. Luttrell, and Mr. Cobb.)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 35.]

A

B I L L

TO

Amend the Ground Game Act, 1880. A.D. 1894.

WHEREAS it is expedient to amend the Ground Game Act, 1880:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Ground Game Amendment Act, 1894, and shall be read as part of the Ground Game Act, 1880.

Extension of rights to kill ground game.

2. From and after the *passing of this Act* every occupier of land within the meaning of the principal Act shall have the same right to kill and take ground game on moorlands and uninclosed lands (not being arable lands) as were by the said principal Act conferred upon occupiers of land with reference to killing and taking ground game on arable lands and detached portions of moorlands or uninclosed lands adjoining arable lands, where such detached portions of moorlands and uninclosed lands adjoin arable lands where such detached portions of moorlands and uninclosed lands are less than twenty-five acres in extent.

Ground Game Act, 1880, Amendment (No. 2).

A

B I L L

To amend the Ground Game Act, 1880.

(*Prepared and brought in by Sir Donald Macfarlane, Mr. Beith, Dr. Clark, Mr. Weir, Mr. Birkmyre, and Mr. Angus Sutherland.*)

Ordered, by The House of Commons, *to be Printed*, 13 *July* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 314.]

A

B I L L

TO

Amend the Law relating to Heritable Securities in Scotland. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Heritable Securities Realisation (Scotland) Act, 1894.

Extent and commencement of Act.

2. This Act shall apply to Scotland only, and shall come into operation on the *first day of January one thousand eight hundred and ninety-five.*

Tenants need not be parties to actions of maills and duties.

3. Any bondholder, after the term of payment, may give notice by registered letter to the debtor under the Bond at his last known address in the form as nearly as may be of Schedule (A) annexed to this Act, and by registered letter to the tenants of the subjects disponed in security in the form as nearly as may be of Schedule (B) annexed to this Act, that he intends to enter into possession thereof, and from and after the date when such notice is received by the tenants they shall be interpelled from making payment of the rents due by them in the same manner and to the same effect as if called as defenders to an action of maills and duties according to the present law and practice, and shall be under obligation to pay said rents in the same manner as if decree of maills and duties had been granted according to such law and practice. Provided always that no notice shall affect the tenants' right to refuse payment of rent on any ground not affecting the title of such bondholder, or the right of any prior bondholder to enter into possession, and nothing herein contained shall prevent an action of maills and duties being brought in the form heretofore in use.

A.D. 1894.

Power to interpell bondholder.

4. Any party interested may take proceedings to interpell the bondholder from entering into possession or collecting said rents if he is not entitled so to do.

Power to eject proprietor in personal occupation.

5. Where a bondholder desires to enter into possession and the proprietor of the subjects of security is in personal occupation of the same, or any part thereof, he shall be deemed a tenant at will, and the bondholder may take proceedings to eject him in all respects in the same way as if he were such tenant.

Power to lease security subjects for seven years or under.

6. Any bondholder in possession may let the subjects, or part thereof, on lease, for a period not exceeding *seven years* in duration.

Sheriff may grant power to lease security subjects for longer periods, not more than 19 years.

7. Any bondholder in possession may apply to the sheriff for warrant to let the subjects or part thereof, for a period exceeding *seven years*, setting forth the name of the proposed tenant or tenants, the period of the lease, and the conditions thereof; and the sheriff may, after such intimation and inquiry as he may think proper, and if satisfied that a lease for a longer period than *seven years* is expedient for the beneficial occupation of the subjects, approve of the proposed lease on the proposed or other terms and conditions. Provided always that said lease shall in no case exceed *nineteen years*.

Provisions for bondholders becoming proprietors of security subjects.

8. Any bondholder who has exposed for sale under his bond the subjects comprised in his bond, at a price not exceeding the amount due under the said bond and under any prior bond (exclusive of the expenses attending the exposure or prior exposures), or at any lower price, and has failed to find a purchaser, may apply to the sheriff for an order, in the terms of Schedule (C.) hereto annexed; and the sheriff may, after such intimation and inquiry as he may see fit, grant such application and issue an order in the said terms, or otherwise he may appoint the said subjects to be re-exposed for sale at a price to be fixed by him, and in that event the said bondholder shall have right to bid for and purchase said subjects at such sale; and, in the event of the bondholder purchasing, the sheriff shall issue an order in the form aforesaid finding the bondholder has right to and is vested in the said subjects as absolute proprietor thereof. The said order shall have the same effect as a disposition by a bondholder to a purchaser according to the present law and practice, and an extract thereof may be recorded to the same effect as such a disposition in the appropriate register of sasines, with a warrant thereon in favour of the said bondholder.

Completion of title of bondholders.

9. Upon such order being issued and upon consignation of the surplus of the price, if any be, in terms of the Titles to Lands

A.D. 1894.

Consolidation (Scotland) Act, 1868, or upon the execution and recording of a certificate of no surplus, in terms of the Conveyancing (Scotland) Act, 1874, the title of the bondholder to the subjects shall be absolute and irredeemable, and the subjects shall be completely disencumbered of all securities and diligencies posterior to the security of such bondholder as well as of the security and diligence of such bondholder himself. Provided always that the personal obligation of the debtor shall be reserved in full force and effect so far as not extinguished by the price at which the subjects have been acquired.

Personal obligation of debtor to remain so far as not extinguished by price.

10. No purchaser from the bondholder or other successor in title in the subjects shall be concerned to inquire into the regularity of the proceedings under which such bondholder has acquired right to said subjects, without prejudice to any competent claim of damages against such bondholder.

Purchaser's title indefeasible.

11. Any bondholder holding a security ranking *pari passu* with another security who desires to sell the subjects comprised in his bond, and who is unable to obtain the consent of the holder of such other *pari passu* security to a sale, may apply to the sheriff for warrant to sell said subjects, calling said holder as defender; and the sheriff, after hearing parties and making such inquiry as he sees fit, may order a sale, if in his opinion it is reasonable and expedient that such sale should take place; and in case of difference of opinion, the sheriff may fix the price, authorise both or either of the parties or other person to carry through the sale, and to grant the conveyance and disencumber the subjects of the said bonds in the same way and as fully as if the holders thereof were by agreement carrying through said sale, and adjust the times and conditions of sale. And in the payment, allocation, and disposal of the prices or proceeds of sale the holders of such *pari passu* securities shall be ranked *pari passu*.

Sheriff may grant power to *pari passu* bondholder to sell *pari passu* security.

12. The following provisions shall have effect with regard to applications under sections seven, eight, and eleven of this Act:—

Provisions anent procedure.

(1.) The interlocutor of the sheriff who pronounces any order or decree shall be final, and not subject to review.

(2.) The sheriff may award expenses, or may direct the expenses to be treated as a charge on the subjects of security or as part of the expenses of sale.

13. The rights and powers conferred by this Act may be exercised by any bondholder, whether the debtor or the proprietor for the time, or any other bondholder over the same subjects, or

Provisions of Act to have effect notwithstanding

A.D. 1894.

incapacity of debtor. Trustees and others to have powers conferred by Act.

other person to whom intimation may require or be ordered to be given is of full age, or in pupillarity or minority, or although he should be subject to any legal incapacity, and any action or proceeding under this Act shall have the same force and effect as it would have had if such debtor, proprietor, bondholder, or other person had been of full age and capacity when such action or proceeding was taken; and trustees, curators, judicial factors, and other officers of court may exercise all or any of the powers conferred by this Act.

Security holders under Registration of Leases Act to have same powers as bondholders.

14. From and after the *passing of this Act* the powers of sale contained in bonds and assignations in security granted in terms of the Registration of Leases (Scotland) Act, 1857, may be conducted and carried through by adopting the procedure provided in the case of sales under the powers of sale contained in bonds and dispositions in security by the Titles to Land Consolidation (Scotland) Act, 1868, and the Conveyancing (Scotland) Act, 1874, and this Act; and any sales under such bonds and assignations in security carried through by adopting the said procedure shall be as valid and effectual in every respect as if they had been carried through in accordance with the provisions of the Registration of Leases (Scotland) Act, 1857.

Sheriff to have jurisdiction whatever value of subjects.

15. The sheriff of the county in which the subjects or part thereof are situate shall have jurisdiction in all cases instituted under or in connection with this Act, whatever be the value of the subjects.

Rights under existing law reserved.

16. Nothing herein contained shall prejudice or restrict the powers, rights, and privileges of bondholders according to the present law and practice.

Interpretation clause.

17. In this Act the words "deed," "conveyance," "heritable security," and "security," shall have the same respective meanings as in the Titles to Land Consolidation (Scotland) Act, 1868.

The word "bond" shall extend to and include all heritable and other securities containing power of sale, which are or may be used for the purpose of constituting a security over lands or other heritable subjects or long leases, or over the rents and profits thereof, but shall not include securities by way of ground annual, whether redeemable or irredeemable.

The word "bondholder" shall extend to and include the holder of a "bond" or part of a "bond" as above defined.

"Debtor" shall include heir or representative.

The word "subjects" shall extend to and include all heritable subjects, securities, and rights, and also long leases.

SCHEDULES.

A.D. 1894.

SCHEDULE (A).

To

A.B. (THE DEBTOR IN THE BOND),

Take notice that *O.P.* (*design creditor in right of the security*), in whose favour you (*or if he is not the original debtor E.F. design the original debtor*) granted a bond for £ , with disposition in security of property situated at dated and recorded intends to enter into possession of the property on the day of , and to collect the rents thereof.

(*To be signed by the creditor or his law agent.*)

SCHEDULE (B).

To

M.N. (THE TENANT),

Take notice that the property situated at , of which you are tenant (*or one of the tenants*), is held by *O.P.* (*design the creditor in right of the security*) in virtue of a bond and disposition in security (*or other security deed*) granted by in favour of dated and recorded (*if the creditor giving the notice is not the original creditor, add, and now vested in the said O.P.*), and that the said *O.P.* intends to enter into possession of the property on the day of , and to collect the rents thereof. You are therefore hereby required to make payment of the rents payable by you at and after said date to *O.P.* or to any factor whom he may appoint to collect them.

(*To be signed by the creditor or his law agent.*)

A.D. 1894.

SCHEDULE (C).

The sheriff having resumed consideration of the said petition, finds and declares that *A.B.* (*design him*), the petitioner, has right to, and is vested in, the subjects described in the petition as absolute proprietor thereof, at the price of £ (*here mention the price at which the subjects were last exposed, if no re-exposure is ordered, or the price at which the subjects have been bought in by bondholder if there has been a re-exposure and purchase by him*), and decerns: and grants warrant to record the decree to be extracted hereon in the register of sasines.

Note.—The extract decree is to describe the subject.

Heritable Securities (Scotland).

A

B I L L

To amend the Law relating to Heritable Securities in Scotland.

(*Prepared and brought in by Mr. Alexander Cross, Mr. Cameron Corbett, Mr. Mains, Mr. Hozier, and Mr. James Caldwell.*)

Ordered, by The House of Commons, *to be Printed,* 1 *May* 1894.

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[Bill 207.]

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to Heritable Securities in Scotland.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Heritable Securities Realisation (Scotland) Act, 1894.

Extent and commencement of Act.

2. This Act shall apply to Scotland only, and shall come into operation on the first day of January one thousand eight hundred and ninety-five.

Tenants need not be parties to actions of maills and duties.

3. Any bondholder may, without calling the tenants as defenders, bring an action of maills and duties either in the sheriff court, in the form as nearly as may be of Schedule (A.) annexed to this Act, or in the Court of Session in common form, with the necessary alterations consequent upon the provisions of this Act, and may give notice of the raising of such action to the tenants by registered letter in the form as nearly as may be of Schedule (B.) annexed to this Act, and from and after the date when such notice is received by the tenants they shall be interpelled from making payment of the rents due by them, in the same manner and to the same effect as if they were called as defenders in an action of maills and duties according to the present law and practice. Provided always, that no decree in such action shall affect the right of the tenants to refuse payment of such rents on any ground not affecting the title of such bondholder, and nothing herein contained shall prevent an action of maills and duties being brought in the form heretofore in use.

A.D. 1894.

Power to interpell bondholder.

4. Any person interested may take proceedings to interpell the bondholder from entering into possession of the subjects conveyed in security or collecting the rents thereof if he is not entitled so to do.

Power to eject proprietor in personal occupation.

5. Where a bondholder desires to enter into possession of the subjects conveyed in security, and the proprietor thereof is in personal occupation of the same, or any part thereof, such proprietor shall be deemed a tenant at will, and the bondholder may take proceedings to eject him in all respects in the same way as if he were such tenant. Provided that this section shall not apply in any case unless such proprietor has made default in the punctual payment of the interest due under the bond, or in due payment of the principal after formal requisition.

Power to lease security subjects for seven years or under.

6. Any bondholder in possession may let the subjects, or part thereof, on lease, for a period not exceeding *seven years* in duration.

Sheriff may grant power to lease security subjects for longer periods, not more than 19 years.

7. Any bondholder in possession may apply to the sheriff for warrant to let the subjects or part thereof, for a period exceeding *seven years*, setting forth the name of the proposed tenant or tenants, the period of the lease, and the conditions thereof; and the sheriff may, after service on the proprietor and on the other bondholders, if any, and after such intimation and inquiry as he may think proper, and if satisfied that a lease for a longer period than *seven years* is expedient for the beneficial occupation of the subjects, approve of the proposed lease on the terms and conditions proposed, or on such other terms and conditions as may appear to him expedient. Provided always that such lease shall in no case exceed *nineteen years*.

Provisions for bondholders becoming proprietors of security subjects.

8. Any bondholder who has exposed for sale under his bond the subjects thereby conveyed in security, at a price not exceeding the amount due under the said bond affecting the said subjects, and under any prior bond (exclusive of the expenses attending the exposure or prior exposures), or at any lower price, and has failed to find a purchaser, may apply to the sheriff for an order, in the terms of Schedule (C.) hereto annexed; and the sheriff may, after service on the proprietor and on the other bondholders, if any, and after such intimation and inquiry as he may see fit, grant such application and issue an order in the said terms. On such degree being pronounced, and an extract thereof recorded in the appropriate register of sasines, the right of redemption reserved to the debtor shall be extinguished, and the creditor shall have right to the subjects held in security in the same manner and to the same effect as if the disposition in security had been an

irredeemable disposition as from the date of such decree, and the lands shall be disencumbered of all securities and diligences posterior to the security of the said creditor; or instead of granting such decree, the sheriff may, upon any such application being made to him as aforesaid, appoint the lands held subject to the security to be re-exposed for sale at a price to be fixed by him, and in that event the said creditor shall have right to bid for and purchase said lands at such sale, and in the event of the creditor purchasing, the sheriff may issue decree in the form, and to the effect aforesaid, or the creditor may grant a disposition of the lands to himself in the same manner as if he had been a stranger.

Completion of title of bondholders. Personal obligation of debtor to remain so far as not extinguished by price.

9. Upon such order being issued and upon consignation of the surplus of the price, if any, in terms of the Titles to Lands Consolidation (Scotland) Act, 1868, or upon the execution and recording of a certificate that there is no surplus, in terms of the Conveyancing (Scotland) Act, 1874, the right and title of the bondholder to the subjects shall be absolute and irredeemable, and the subjects shall be completely disencumbered of all securities and diligencies posterior to the security of such bondholder as well as of the security and diligence of such bondholder himself. Provided always that the personal obligation of the debtor shall be reserved in full force and effect so far as not extinguished by the price at which the subjects have been acquired.

Purchaser's title indefeasible.

10. No purchaser from the bondholder or other successor in title in the subjects shall be under any duty to inquire into the regularity of the proceedings under which such bondholder has acquired right to said subjects, without prejudice to any competent claim of damages against such bondholder.

Sheriff may grant power to *pari passu* bondholder to sell *pari passu* security.

11. Any bondholder holding a security ranking *pari passu* with another security who desires to sell the subjects conveyed in security by his bond, and who is unable to obtain the consent of the holder of such other *pari passu* security to a sale, may apply to the sheriff for warrant to sell the said subjects, calling such other holder as defender; and the sheriff, after hearing parties and making such inquiry as he sees fit, may order a sale of the said subjects, if in his opinion it is reasonable and expedient that such sale should take place; and in case of difference of opinion, the sheriff may fix the price, authorise both or either of the parties or some other person to carry through the sale, and to grant a conveyance and disencumber the subjects of the said bonds in the same way and as fully as if the holders thereof were by agreement carrying through said sale, and also to fix the times and conditions

A.D. 1894.

of sale in conformity with the law and practice relating to premonition and advertisement. And in the payment, allocation, and disposal of the price or proceeds of sale, after deduction of all expenses incurred in connection therewith, the holders of such *pari passu* securities shall be ranked *pari passu*.

Provisions anent procedure.

12. The following provisions shall have effect with regard to applications under sections seven, eight, and eleven of this Act:—

(1.) The interlocutor of the sheriff who pronounces any order or decree shall be final, and not subject to review, except (1) as to questions of title and (2) where the value of the subjects proposed to be sold or dealt with exceeds one thousand pounds.

(2.) The sheriff may award expenses, or may direct that the expenses be treated as a charge on the subjects of the security or as part of the expenses of sale.

Provisions of Act to have effect notwithstanding incapacity of debtor. Trustees and others to have powers conferred by Act.

13. The rights and powers conferred by this Act may be exercised by any bondholder, whether the debtor or the proprietor for the time, or any other bondholder having a security over the same subjects, or other person to whom intimation may require or be ordered to be given is of full age, or in pupillarity or minority, or although he should be subject to any legal incapacity, and any action or proceeding under this Act shall have the same force and effect as it would have had if such debtor, proprietor, bondholder, or other person had been of full age and capacity when such action or proceeding was taken; and trustees, executors, tutors, curators, judicial factors, and other officers of court may exercise all or any of the powers conferred by this Act.

Security holders under Registration of Leases Act to have same powers as bondholders.

14. From and after the passing of this Act the powers of sale contained in bonds and assignations in security granted in terms of the Registration of Leases (Scotland) Act, 1857, may be exercised by adopting the procedure provided in the case of sales under the powers of sale contained in bonds and dispositions in security by the Titles to Land Consolidation (Scotland) Act, 1868, and the Conveyancing (Scotland) Act, 1874, and this Act, and any sales under such bonds and assignations in security carried through by adopting the said procedure shall be as valid and effectual in every respect as if they had been carried through in accordance with the provisions of the Registration of Leases (Scotland) Act, 1857.

Sheriff to have jurisdiction whatever value of subjects.

15. The sheriff of the county in which the subjects or part thereof are situate shall have jurisdiction in all cases instituted under or in connection with this Act, whatever be the value of the subjects.

A.D. 1894.

Rights under existing law reserved.

16. Nothing herein contained shall prejudice or restrict the powers, rights, and privileges of bondholders according to the present law and practice.

Interpretation clause.

17. In this Act the words "conveyance," "heritable security," and "security," shall have the same respective meanings as in the Titles to Land Consolidation (Scotland) Act, 1868.

The word "bond" shall extend to and include all heritable and other securities containing power of sale, which are or may be used for the purpose of constituting a security over lands or other heritable subjects or long leases, or over the rents and profits thereof, but shall not include securities by way of ground annual, whether redeemable or irredeemable.

The word "bondholder" shall extend to and include the holder of a "bond" or part of a "bond" as above defined recorded in the appropriate register of sasines.

"Debtor" shall include heir or representative of a debtor under a bond.

The word "subjects" shall extend to and include all heritable subjects, securities, and rights, and also long leases.

A.D. 1894.

SCHEDULES.

SCHEDULE (A.).

In the sheriff court of
at

A.B., Pursuer,
against
C.D., Defender.

The above-named pursuer submits to the court the condescendence and note of plea-in-law hereto annexed, and prays the court—

To grant a decree against the above-named defender, finding and declaring that the pursuer has right to the rents, maills, and duties, of the subjects and others specified in the bond and disposition in security for £ , granted by in favour of , dated the , and recorded in the register or, at least so much of the said rents, maills, and duties as will satisfy and pay the pursuer the principal sum of £ with interest thereon at the rate of per centum per annum from the day of 18 , liquidate penalty and termly failures all as specified and contained in the said bond and disposition in security dated and recorded as aforesaid, and to find the said *C.D.* liable in expenses, and to decern therefore.

Add condescendence and pleas-in-law.

SCHEDULE (B.).

In the court of session [or]
In the sheriff court of shire, at .

Notice.

An action has been raised of this date [specify place and date] in the above court, at the instance of *A.B.* [design him], pursuer, against *C.D.* [design him], defender, in which the said pursuer asks that it be declared that as holding a bond and disposition in security over the subjects situated at [here give such description of the subjects, *e.g.*, their name or the number of street in which they are situated, as may identify them], he has right to the rents due, current, and to become due, from the subjects.

Should you, after receiving this notice, pay your rent to the defender, you will do so at the risk of having to pay again to the pursuer should he obtain decree in the action. A.D. 1894.

[*To be signed by the pursuer or his law agent.*]

SCHEDULE (C.).

The sheriff having resumed consideration of the said petition, finds and declares that *X.Y.* [the debtor in the bond], has forfeited the right of redemption reserved to him in the said bond and disposition in security, and that the said right is extinguished as from and after this date, and that *A.B.* [design him], the petitioner has right to, and is vested in, the lands described in the said bond and disposition in security, dated and recorded as aforesaid, as absolute proprietor thereof, but subject always to the burdens and conditions contained or referred to in the said bond and disposition in security, at the price of £ [here mention the price at which the lands were last exposed, or the price at which the lands have been bought in, as the case may be], and decerns; and grants warrant to record the decree to be extracted hereon in the register of sasines.

Note.—The extract decree is to describe the subject.

Heritable Securities (Scotland).

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law relating to Heritable Securities in Scotland.

(*Prepared and brought in by Mr. Alexander Cross, Mr. Cameron Corbett, Mr. Mains, Mr. Hozier, and Mr. James Caldwell.*)

Ordered, by The House of Commons, *to be Printed*, 13 *June* 1894.

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[*Price* 1*d.*]

[Bill 281.]

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Amend the Law relating to Heritable Securities in Scotland. A.D 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Heritable Securities (Scotland) Act, 1894.

Extent and commencement of Act.

2. This Act shall apply to Scotland only, and shall come into operation on the first day of January one thousand eight hundred and ninety-five.

Tenants need not be parties to actions of maills and duties.

3. The creditor in a heritable security may, without calling the tenants of the lands disponed in security as defenders, raise an action of maills and duties either in the sheriff court, in the form as nearly as may be of Schedule (A.) annexed to this Act, or in the Court of Session in common form, with the necessary alterations consequent upon the provisions of this Act, and may give notice of the raising of such action to the tenants by registered letter in the form as nearly as may be of Schedule (B.) annexed to this Act, and from and after the date when such notice is received by the tenants they shall be held as interpelled from making payment of the rents due by them, in the same manner and to the same effect as if they were called as defenders in an action of maills and duties according to the present law and practice, and upon intimation of the decree obtained in said action being made to the tenants by registered letter in the form as nearly as may be of Schedule (C.) annexed to this Act, the said tenants shall make payment of the rents due by them respectively in the same manner

A.D. 1894.

and under the like legal compulsitors as if the same were decerned for and a charge for payment made in an action of maills and duties according to the existing law and practice, and payment when so made shall be a complete exoneration and discharge to such tenants respectively: Provided always, that no decree in such action shall affect the right of the tenants to refuse payment of such rents on any ground not affecting the title of such creditor or the right of any prior creditor to enter into possession, and nothing herein contained shall prevent an action of maills and duties from being raised in the form heretofore in use, or deprive a creditor of any existing right competent to him of entering into possession without having recourse to an action of maills and duties.

Power to interpel security holder.

4. Any person interested may take proceedings to interpel the creditor from entering into possession of the lands disponed in security or collecting the rents thereof.

Power to eject proprietor in personal occupation.

5. Where a creditor desires to enter into possession of the lands disponed in security, and the proprietor thereof is in personal occupation of the same, or any part thereof, such proprietor shall be deemed to be an occupant without a title, and the creditor may take proceedings to eject him in all respects in the same way as if he were such occupant: Provided that this section shall not apply in any case unless such proprietor has made default in the punctual payment of the interest due under the security, or in due payment of the principal after formal requisition.

Power to lease security subjects for seven years or under.

6. Any creditor in possession of lands disponed in security may let such lands held in security, or part thereof, on lease, for a period not exceeding seven years in duration.

Sheriff may grant power to lease security subjects for longer periods, not more than 21 years for heritable property in general, and 31 years for minerals.

7. Any creditor in possession of lands disponed in security may apply to the sheriff for warrant to let the lands disponed in security or part thereof, for a period exceeding seven years, setting forth the name of the proposed tenant or tenants, the duration and conditions of the proposed lease; and the sheriff may, after service on the proprietor and on the other heritable creditors, if any, and after such intimation and inquiry as he may think proper, and if satisfied that a lease for a longer period than seven years is expedient for the beneficial occupation of the lands, approve of the proposed lease on the terms and conditions proposed, or on such other terms and conditions as may appear to him expedient: Provided always, that such lease shall in no case exceed twenty-one years for heritable property in general and thirty-one years for minerals.

A.D. 1894.

Provisions for security holders becoming proprietors of security subjects.

8. Any creditor who has exposed for sale under his security the lands held in security, at a price not exceeding the amount due under the said security, and under any prior security, and any security or securities ranking pari passu with the exposer's security (exclusive of the expenses attending the exposure or prior exposures), or at any lower price, and has failed to find a purchaser, may apply to the sheriff for decree, in the terms of Schedule (D.) hereto annexed; and the sheriff may, after service on the proprietor and on the other creditors, if any, and after such intimation and inquiry as he may think fit, grant such application and issue decree in the said terms. On such decree being pronounced, and an extract thereof in which said lands shall be described at length or by reference recorded in the appropriate register of sasines, the right of redemption reserved to the debtor shall be extinguished, and the creditor shall have right to the lands disponed in security in the same manner and to the same effect as if the disposition in security had been an irredeemable disposition as from the date of such decree, and upon registration of an extract of such decree in the appropriate register, the lands shall be disencumbered of all securities and diligences posterior to the security of the said creditor; or instead of granting such decree, the sheriff may, upon any such application being made to him as aforesaid, appoint the lands held subject to the security to be re-exposed for sale at a price to be fixed by him, and in that event the said creditor shall have right to bid for and purchase said lands at such sale, and in the event of the creditor purchasing, the sheriff may issue decree in the form and to the effect aforesaid, or the creditor may grant a disposition of the lands to himself in the same manner as if he had been a stranger.

Completion of title of security holders. Personal obligation of debtor to remain so far as not extinguished by price.

9. Upon a sale being carried through under the immediately preceding section, and upon consignation of the surplus of the price, if any, over the sum due under the bond, in terms of the Titles to Lands Consolidation (Scotland) Act, 1868, or upon the execution and recording of a certificate that there is no surplus, in terms of the Conveyancing (Scotland) Act, 1874, the right and title of the creditors to the lands shall be absolute and irredeemable, and the lands shall be disencumbered of securities and diligences in the manner and to the effect provided for in the said statutes as regards sales carried through in virtue thereof. Provided always, that the personal obligation of the debtor shall be reserved in full force and effect so far as not extinguished by the price at which the lands have been acquired.

A.D. 1894.

Purchaser's title indefeasible.

10. No purchaser from the creditor or other successor in title in the lands shall be under any duty to inquire into the regularity of the proceedings under which such creditor has acquired right to the lands held under his security by virtue of the provisions contained herein, or be affected by any regularity therein, without prejudice to any competent claim of damages against such creditor.

Sheriff may grant power to pari passu security holder to sell pari passu security.

11. Any creditor holding a security ranking pari passu with another security who desires to sell the lands conveyed in security by his security, and who is unable to obtain the consent of the creditor holding such other pari passu security to a sale, may apply to the sheriff for warrant to sell the said lands, calling such other creditor as defender; and the sheriff, after hearing parties and making such inquiry as he thinks fit, may order a sale of the said lands, if in his opinion it is reasonable and expedient that such sale should take place; and in case of difference of opinion, the sheriff may fix the price, authorise both or either of the parties or some other person to carry through the sale, and upon payment or consignation of the price to grant a conveyance and disencumber the lands of the said securities in the same way and as fully as if the creditors therein were by agreement carrying through said sale, and also to fix the times and conditions of sale in conformity with the law and practice relating to premonition and advertisement. And the expenses of and connected with the sale shall be payable preferably out of the price or proceeds of the sale, and the balance of such price or proceeds after providing for such expenses shall be paid to the creditors in the securities charged upon the lands according to their just rights and preferences.

Provisions anent procedure.

12. The following provisions shall have effect with regard to applications under sections seven, eight, and eleven of this Act:—

(1.) The interlocutor of the sheriff who pronounces any order or decree shall be final, and not subject to review, except (1) as to questions of title and (2) where the principal sum due under the heritable security exceeds one thousand pounds.

(2.) The sheriff may award expenses, or may direct that the expenses be treated as part of the expenses of the sale.

Provisions of Act to have effect notwithstanding incapacity of debtor. Trustees and others to have powers conferred by Act.

13. The rights and powers conferred by this Act may be exercised by any creditor, although the debtor or any other creditor holding a security over the same lands, or other person to whom intimation may require or be ordered to be given is in pupillarity or minority, or subject to any legal incapacity, and any action or proceeding under this Act shall have the same force and effect as it

would have had if such debtor, proprietor, creditor, or other person had been of full age and not subject to any legal capacity when such action or proceeding was taken; and trustees, executors, tutors, curators, judicial factors, and other officers of court may exercise all or any of the powers conferred by this Act.

Security holders under Registration of Leases Act to have same powers as security holders.

14. From and after the passing of this Act the powers of sale contained in bonds and assignations in security granted in terms of the Registration of Leases (Scotland) Act, 1857, may be exercised by adopting the procedure provided in the case of sales under the powers of sale contained in bonds and dispositions in security by the Titles to Land Consolidation (Scotland) Act, 1868, and the Conveyancing (Scotland) Act, 1874, and this Act, and any sales under such bonds and assignations in security carried through by adopting the said procedure shall be as valid and effectual in every respect as if they had been carried through in accordance with the provisions of the Registration of Leases (Scotland) Act, 1857.

Sheriff to have jurisdiction whatever value of lands.

15. The sheriff of the county in which the lands held in security or part thereof are situate, or where lands are situate in more counties than one the sheriff of any of such counties, shall have jurisdiction in all cases instituted under or in connexion with this Act, whatever the value of the lands may be.

Provisions as to notice where debtor has died and heir cannot be ascertained.

16. Where (*a*) the debtor in an heritable security has died and no heritable title has been completed to the lands by his heir or other representative, and the name and address of such heir cannot be ascertained by the creditor, or (*b*) the creditor cannot ascertain the address of the debtor in the security, or whether such debtor is still alive, or (*c*) the creditor cannot ascertain the address of the person who, in terms of such heritable security, is the person legally entitled to receive intimation of the demand of payment herein-after mentioned, the creditor in such security may, in any such case, apply to the sheriff of the county in which any portion of the lands disponed by such heritable security is situate, for warrant to intimate the demand of payment specified in section one hundred and nineteen of the Titles to Land Consolidation (Scotland) Act, 1868, to the debtor, at the office of the keeper of the Record of Edictal Citations, within the General Register House, Edinburgh, in such form and addressed to such person or persons by name, or in his or their representative character, all as the sheriff may, after such inquiry (if any) as he may think fit, prescribe, and a demand for payment so made shall have the same effect as a

A.D. 1894.

demand for payment delivered personally to the debtor in such security.

Rights under existing law reserved.

17. Nothing herein contained shall prejudice or restrict the powers, rights, and privileges of creditors in heritable securities according to the present law and practice.

Interpretation clause.

18. In this Act the words "conveyance," "heritable security," "security," "creditor," "debtor," and "purchaser" shall have the same meanings respectively as in the Titles to Land Consolidation (Scotland) Act, 1868.

The word "land" shall extend to and include all heritable subjects.

Saving as to rights of Crown.

19. Nothing in this Act contained shall affect the present law and practice in regard to the preferential character of debts due to the Crown, nor shall anything done under the new procedure by this Act authorised prejudice the rights of the Crown as these exist according to the present law and practice.

SCHEDULES.

A.D. 1894.

SCHEDULE (A.)

In the sheriff court of
at

A.B., Pursuer,
against
C.D., Defender.

The above-named pursuer submits to the court the condescendence and note of plea-in-law hereto annexed, and prays the court—

To grant a decree against the above-named defender, finding and declaring that the pursuer has right to the rents, maills, and duties of the subjects and others specified in the bond and disposition in security for £ , granted by in favour of , dated the , and recorded in the register or, at least so much of the said rents, maills, and duties as will satisfy and pay the pursuer the principal sum of £ with interest thereon at the rate of per centum per annum from the day of 18 , liquidate penalty and termly failures all as specified and contained in the said bond and disposition in security dated and recorded as aforesaid, and to find the said *C.D.* liable in expenses, and to decern therefore.

Add condescendence and pleas-in-law.

SCHEDULE (B.)

In the court of session [or]
In the sheriff court of shire, at

Notice.

An action has been raised of this date [specify place and date] in the above court, at the instance of *A.B.* [design him], pursuer, against *C.D.* [design him], defender, in which the said pursuer asks that it be declared that as holding a bond and disposition in security over the subjects situated at [here give such description of the subjects, *e.g.*, their name or the number of street in which they are situated, as may identify them], he has right to the rents due, current, and to become due, from the subjects.

A.D. 1894.

Should you, after receiving this notice, pay your rent to the defender, you will do so at the risk of having to pay again to the pursuer should he obtain decree in the action.

[*To be signed by the pursuer or his law agent or messenger at arms or sheriff officer.*]

SCHEDULE (C.)

In the court of session [*or*]
In the sheriff court of shire, at

Notice.

Decree having been obtained of this date [*specify place and date*] in the above court, at the instance of *A.B.* [*design him*] pursuer, against *C.D.* [*design him*] defender, finding and declaring that the pursuer has right to the rents, maills, and duties of the subjects and others situated at [*here give such description of the subjects, e.g., their name, or the number of street in which they are situated, as may identify them*] specified in a bond or disposition in security for £ granted by in favour of dated the and recorded in the register, you are hereby notified of the same, and desired and required to make payment to the said *A.B.* of the rents, maills, and duties due by you in respect of the occupancy of said subjects or part thereof.

[*To be signed by the pursuer or his law agent, or messenger at arms, or sheriff officer.*]

SCHEDULE (D.)

The sheriff having resumed consideration of the said petition, finds and declares that *X.Y.* [the debtor in the bond], has forfeited the right of redemption reserved to him in the said bond and disposition in security, and that the said right is extinguished as from and after this date, and that *A.B.* [*design him*], the petitioner has right to, and is vested in, the lands described in the said bond and disposition in security, dated and recorded as aforesaid, as absolute proprietor thereof, but subject always to the burdens and conditions contained or referred to in the said bond and disposition in security, at the price of £ [*here mention the price at which the lands were last exposed, or the price at which the lands have been bought in, as the case may be*], and decerns; and grants warrant to record the decree to be extracted hereon in the register of sasines.

Note.—The extract decree is to describe the subject.

Heritable Securities (Scotland).

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To amend the Law relating to Heritable Securities in Scotland.

(*Prepared and brought in by Mr. Alexander Cross, Mr. Cameron Corbett, Mr. Mains, Mr. Hozier, and Mr. James Caldwell.*)

Ordered, by The House of Commons, *to be Printed*, 16 *July* 1894.

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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and 90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* 1½*d.*]

[Bill 316.]

A

B I L L

TO

Regulate and restrict the use of Hop Substitutes. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Hop Substitutes Act, 1894.

Brewers for sale and sellers of beer to declare use of hop substitutes.

2. Every brewer for sale who uses any hop substitute in brewing beer, and—

Every seller of beer (other than a brewer for sale) who sells beer containing any hop substitute—

shall make a declaration to that effect in manner prescribed by this Act.

Mode of declaration.

3. The declaration shall be made in the following manner:—

In the case of a brewer for sale—

(*a.*) By keeping affixed or posted in a conspicuous place outside his brewery a notice in large and easily legible letters containing the words "Hop substitutes used"; with the addition, if he brews beer in which hop substitutes are not used as well as beer in which they are used, of the description of the beer in which they are used;

(*b.*) By painting, branding, or affixing the like notice in like manner on every cask, barrel, bottle, or other vessel in which beer containing any hop substitute is sent out from his brewery:

In the case of a seller of beer (other than a brewer for sale)—

By keeping posted or affixed in a conspicuous place outside the premises where he sells or exposes for sale beer, and in every bar, sale-room, or other place where he sells or exposes for sale beer, the same notice as is required by this Act in the case of a brewer for sale; with the addition if he sells

A.D. 1894.

beer in which hop substitutes are not used as well as beer in which they are used, of the description of the beer in which they are used.

Penalty on non-compliance with Act.

4. Any brewer for sale who uses any hop substitute in brewing without complying with the provisions of this Act respecting declaration, shall be liable on summary conviction to a fine not exceeding *twenty pounds*, and for a second or any subsequent offence to a fine not exceeding *one hundred pounds*.

Any seller of beer (other than a brewer for sale) who sells or exposes for sale beer containing any hop substitute without complying with the provisions of this Act respecting declaration, or who removes or in any way alters or defaces any notice painted, branded, or affixed in accordance with this Act on any cask, barrel, bottle, or other vessel, shall be liable on summary conviction to a fine not exceeding *ten pounds*, and for a second or any subsequent offence to a fine not exceeding *fifty pounds*.

Application of penalties.

5. Any part of any penalty recovered under this Act may, if the court shall so direct, be paid to the person who proceeds for the same to reimburse him for the legal costs of obtaining an analysis and any other reasonable expenses to which the court shall consider him entitled.

Power to take samples.

38 & 39 Vict. c. 63.

6. Any officer of Her Majesty's Customs or Inland Revenue, and any officer authorised to take samples under the Sale of Food and Drugs Act, 1875, may enter any brewery or premises where beer is sold (whether wholesale or retail), and may take samples from any vat, cask, barrel, bottle, or other vessel, and may submit the same to analysis in order to ascertain whether any hop substitute is used; and should any hop substitute be found in any brewery or upon any premises where beer is brewed or sold, the occupier shall, if no declaration of the use of hop substitutes has been made, be subject to the penalties in this Act.

Definitions.

7. In this Act—

"Beer" includes ale and porter:

"Brewer for sale" includes every person who brews beer for the use of any other person at any place other than the premises of the person for whose use the beer is brewed, and any person licensed to deal in or retail beer who brews beer:

"Hop substitute" includes every substance or article used in brewing beer for any purpose which ordinarily is or can be effected by the use of hops.

Hop Substitutes.

A

BILL

To regulate and restrict the use of Hop Substitutes.

(*Prepared and brought in by Mr. Brookfield, Mr. Channing, Sir E. Lechmere, Mr. H. Knatchbull-Hugessen, Mr. Rankin, Colonel Warde, Mr. Griffith-Boscawen, and Mr. A. F. Godson.*)

Ordered, by The House of Commons, *to be Printed*, 29 *March* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 127.]

A

BILL

TO

Limit Labour in the Service of Local Authorities and of Railway Companies to Eight Hours a day. A.D. 1894.

WHEREAS the supply of labour throughout the United Kingdom is, under existing conditions, greater than the demand;

And whereas this overabundant supply of labour is largely due to the excessive hours of labour to which those who find employment are subjected;

And whereas, on the one hand, excessive hours of labour, and, on the other hand, enforced idleness are morally and physically injurious to the whole body of labourers;

And whereas it is desirable and expedient in the interests of labourers and in the interests of the commonwealth to adjust the demand for labour to the supply:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Municipal and Railway Servants' Eight Hours Act, 1894.

Commencement of Act.

2. This Act shall come into operation within *one year* from the date of its *passing*.

Service of local authorities.

3. No person employed by any county council, town council, vestry, district board of works, sanitary authority, dock or harbour trustees, or commissioners of sewers, shall, except in case of special unforeseen emergency, be employed for a longer period than *eight hours* in any one day, nor for more than *forty-eight hours* in any one week.

[Bill 137.]

A.D. 1894.

Any local authority specified herein, or the principal officer of any local authority specified herein, ordering or requiring any person in public employment to remain at work for more than *eight hours* in any one day, or *forty-eight hours* in any one week, except in case of special unforeseen emergency, shall be liable to a fine not exceeding *ten pounds*.

Any local authority specified herein, or the principal officer of any local authority specified herein, employing or permitting any person to be employed, by reason of special unforeseen emergency, for more than *eight hours* in any one day, or *forty-eight hours* in any one week, shall enter, in a book to be kept for the purpose, a report of the facts of each case, and a complete list of such cases shall be published once a year in at least three local newspapers. This book shall be open to the inspection of any elector, residing within the jurisdiction of any local authority, on payment of a fee of one shilling.

Service of railway and other companies.

4. No person employed by any railway company, tramway company, gas company, water company, electric lighting company, or by any omnibus company that is incorporated under the Companies' Acts, shall, except in case of special unforeseen emergency, be employed for a longer period than *eight hours* in any one day, nor for more than *forty-eight hours* in any one week.

The general manager of any railway company, tramway company, gas company, water company, electric lighting company, or omnibus company that is incorporated under the Companies' Act, employing or permitting any person to be employed in contravention of this section, shall be liable, on conviction thereof, to a fine not exceeding *fifty pounds* for each such contravention: Provided that in any case in which the employment of persons for longer periods than is permitted by this section, arises from some special unforeseen emergency, it shall be lawful for the President of the Board of Trade, on a report made within *seven days* by the general manager or secretary of the company acting in contravention of this section, to direct that no legal proceedings shall be taken in the case of the particular contravention so reported.

A list of the cases in which any such direction has been issued by the President of the Board of Trade under this section shall be laid before both Houses of Parliament once in each year.

Prevention of offences, &c.

5. All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, in like manner as offences and

fines are prosecuted and recovered under the Factory and Workshop Act, 1878; and the provisions relating to the application of the said Act to Scotland and Ireland, so far as those provisions are applicable, shall have effect as if re-enacted in this Act, and in terms made applicable thereto. A.D. 1894.

6. "A special unforeseen emergency" shall mean "an unexpected occurrence involving the safety of person or property." Definition.

Hours of Labour (Local Authorities, &c. Servants).

A

B I L L

To limit Labour in the Service of Local Authorities and of Railway Companies to Eight Hours a day.

(*Prepared and brought in by Mr. Macdonald, Mr. Beaufoy, Mr. John Burns, Mr. Samuel Evans, and Mr. Keir-Hardie.*)

Ordered, by The House of Commons, *to be Printed*, 3 *April* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 137.]

A

BILL

TO

Abolish the power of the House of Lords to veto Legislation passed by the House of Commons. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Assent of the House of Lords to Bills passed by the House of Commons unnecessary in certain cases.

1. On and after *the passing of this Act* it shall not be necessary for the validity of any Act or Acts of Parliament that the advice or consent of the Lords Spiritual and Temporal should be obtained thereto in the cases following, that is to say :—

(*a.*) In the case of every Bill which has been read a third time in the House of Commons, and has not been returned by the House of Lords to the House of Commons before the Appropriation Bill has been received by the House of Lords from the House of Commons; and

(*b.*) In the case of every Bill which has been read a third time in the House of Commons, and has been returned by the House of Lords to the House of Commons, and the Lords' amendments to which, if any, have been considered, and each of them has been either accepted, rejected, or amended by the Commons.

Bills to become law if they receive assent of the Crown.

2. Every such Bill as is mentioned in subsections (*a.*) and (*b.*) of section one of this Act shall become law on receiving the assent of the Crown.

Short title.

3. This Act may be cited as the House of Lords Veto (Abolition) Act, 1894.

[Bill 167.]

House of Lords' Veto (Abolition).

A

B I L L

To abolish the power of the House of Lords to veto Legislation passed by the House of Commons.

(*Prepared and brought in by Mr. E. J. C. Morton, Mr. Arch, Mr. Dalziel, Mr. Lloyd George, Mr. James Stuart, and Mr. T. D. Sullivan.*)

Ordered, by The House of Commons, *to be Printed*, 17 *April* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 167.]

A

B I L L

FOR

Facilitating the operation of the Housing of the Working Classes Act, 1890, in so far as it relates to Rural Sanitary Districts. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited for all purposes as the Housing of the Working Classes Amendment Act, 1894.

Powers of rural sanitary authorities.

2. From the *passing of this Act*, the sections in the Housing of the Working Classes Act, 1890, which relates only to rural sanitary districts, are hereby repealed, and all the powers now vested in urban sanitary authorities by the said Act shall be vested in rural sanitary authorities, and all sections of the said Act which apply to urban sanitary districts shall apply to rural sanitary districts throughout England and Wales.

No appeal against the decision of Local Government Board.

3. In all cases of appeal to the Local Government Board under the Housing of the Working Classes Act, and this Act, from a rural district, the decision of the Local Government Board shall be final.

Purchase of land.

4. Rural sanitary authorities shall be empowered to purchase land in any part of their district, with the consent of the Local Government Board, for the purpose of building labourers cottages when the same may be required, provided that every cottage so built shall have not less than a quarter of an acre of garden land attached to the same.

Basis of purchase.

5. All such purchases shall be made upon the gross valuation of the property as it appears in the rate-book for the time being, but in no case shall the total amount paid exceed *twenty-five years* purchase of the said value.

Housing of the Working Classes.

A

B I L L

For facilitating the operation of the Housing of the Working Classes Act, 1890, in so far as it relates to Rural Sanitary Districts.

(*Prepared and brought in by Mr. Stern, Mr. Channing, Mr. Logan, and Mr. H. L. W. Lawson.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 76.]

A

B I L L

TO

Explain the provisions of Part II. of the Housing of the Working Classes Act, 1890, with respect to powers of borrowing. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Borrowing powers under a scheme for reconstruction.

1. For any purpose for which a local authority are, by a scheme for reconstruction duly sanctioned under Part II. of the Housing of the Working Classes Act, 1890, or by the order sanctioning the scheme, authorised to borrow, the authority shall have power and shall be deemed always to have had power to borrow in like manner and subject to the like conditions as they may borrow under section forty-three of that Act for the purpose of raising the sums required for the purchase money or compensation therein mentioned, and sections forty-three and forty-six of that Act shall apply accordingly. 53 & 54 Vict. c. 70.

Short title.

2. This Act may be cited as the Housing of the Working Classes Act, 1894.

Housing of the Working Classes (Borrowing Powers).

A

B I L L

To explain the provisions of Part II. of the Housing of the Working Classes Act, 1890, with respect to powers of borrowing.

(*Prepared and brought in by Mr. Shaw Lefevre and Sir Walter Foster.*)

Ordered, by The House of Commons, *to be Printed*, 26 *July* 1894.

PRINTED BY EYRE AND SPOTTISWOODE,
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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 336.]

A

B I L L

TO

Prevent the Importation into Great Britain and Ireland of Goods manufactured or produced wholly or in part by Foreign Prison Labour.

A.D. 1894.

WHEREAS it is essential to make provision to restrain the unfair competition of foreign prison labour with free British and Irish industry;

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Importation of Prison-made Goods Act, 1894, and shall be read and construed with the Merchandise Marks Act, 1887, as one Act.

Importation of goods produced in foreign prisons prohibited.

2. All goods made or produced, either wholly or in part, in any foreign prison, gaol, house of correction, or penitentiary, are hereby prohibited to be imported into the United Kingdom, as if they were specified in section forty-two of the Customs Consolidation Act, 1876.

Commencement of Act.

3. This Act shall come into force on the *first day of August, one thousand eight hundred and ninety-four.*

Importation of Prison-made Goods.

A

B I L L

To prevent the Importation into Great Britain and Ireland of Goods manufactured or produced wholly or in part by Foreign Prison Labour.

(Prepared and brought in by
Colonel Howard Vincent,
Marquess of Carmarthen, Mr. Keir Hardie,
Sir F. Seager Hunt, Mr. Labouchere,
Mr. Muntz, Mr. Havelock Wilson, Major Rasch,
Mr. Bolton, Mr. Boulnois, Mr. Conybeare,
and Mr. Field.)

Ordered, by The House of Commons, *to be Printed,*
9 *May* 1894.

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90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 224.]

A

B I L L

TO

Enable Indian Railway Companies to pay Interest out of Capital. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Indian Railways Act, 1894.

Definitions.

2. The expression "the Secretary of State" means the Secretary of State in Council of India:

The expression "Indian Railway Company" means a company registered under the Companies Acts, 1862 to 1890, or any of them, and formed for the purpose of making and working, or making or working a railway in India, whether alone or in conjunction with other purposes:

The expression "the railway" means the railway in relation to the construction of which interest out of capital is permitted to be paid as herein-after provided.

Payment of interest out of capital.

3. An Indian Railway Company may pay interest on its paid-up share capital out of capital, for the period, and subject to the conditions and restrictions in this section mentioned, and may charge the same to capital as part of the cost of construction of the railway:

(1.) Such interest shall be paid only for such period as shall be determined by the Secretary of State; and such period shall in no case extend beyond the close of the half year next after the half year during which the railway shall be actually completed and opened for traffic:

(2.) No such payment shall be made unless the same is authorised by the Company's memorandum of association or by special resolution of the Company:

(3.) No such payment, whether authorised by the memorandum of association or by special resolution, shall be made without the previous sanction of the Secretary of State:

[Bill 184.]

A.D. 1894.

(4.) The amount so paid out of capital by way of interest, in respect of any period, shall in no case exceed a sum which shall, together with the net earnings of the railway during such period, make up the rate of *four* per cent. per annum :

(5.) No such payment of interest shall be made until such Company has satisfied the Secretary of State that *two-thirds* at least of its share capital, in respect whereof interest is to be so paid, has been actually issued and accepted, and is held by shareholders who, or whose executors, administrators, or assigns, are legally liable for the same :

(6.) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :

(7.) The payment of such interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid.

Additional share capital for extensions.

4. If an Indian Railway Company is about to make and work, or to make or work a railway, in addition to, or by way of extension of a railway owned or worked by such Company, and for that purpose issues further share capital, in addition to the capital already issued by it, such Company may pay interest upon such further share capital out of capital, for the period, and subject to the conditions and restrictions in the last preceding section mentioned, the words in that section, "the railway," being read as applying to such addition or extension exclusively.

Notice in prospectus and other documents.

5. When a Company has power to pay interest under this Act, notice to that effect shall be given in every prospectus, advertisement, or other document inviting subscriptions for shares, and in every certificate of shares.

Accounts.

6. When any interest has been paid by a Company under this Act, the annual or other accounts of such Company shall show the amount on which, and the rate at which interest has been so paid.

Construction of borrowing powers.

7. If by any memorandum of association, articles of association, or other document any power of borrowing money is conferred on an Indian Railway Company, or on its directors, with or without the sanction of any meeting, and if such power of borrowing is limited to an amount bearing any proportion to the capital of such Company, the amount of capital applied or to be applied in payment of interest under this Act shall, for the purpose of ascertaining the extent of such power of borrowing, be deducted from the capital of such Company.

Indian Railway Companies.

A

BILL

To enable Indian Railway Companies to pay Interest out of Capital.

(*Prepared and brought in by Mr. Secretary Fowler and Sir John Hibbert.*)

Ordered, by The House of Commons, *to be Printed,* 20 *April* 1894.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE and SPOTTISWOODE, East Harding Street, Fleet Street, E.C., and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and 90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 184.]

A

B I L L

TO

Amend the Industrial and Provident Societies Act, 1893, in so far as it relates to the Island of Jersey. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Industrial and Provident Societies Act, 1893, Amendment Act, 1894, and the two shall be cited together as the Industrial and Provident Societies Acts, 1893 and 1894.

Substitution of constable for bailiff.

2. In sub-head (*d.*) of sub-section (1.) of section seventy-seven of the Act, the words "constable of the parish" shall be substituted for "bailiff of the parish."

Powers of investment.

3. The following shall be added to sub-section (1.) of section seventy-seven as sub-head (*j.*): All industrial and provident societies within the island shall be authorised to invest any part of their funds in the "Rentes Publiques" or in the States' Bonds of the island, if they think fit.

Printing of future copies of principal Act.

4. All copies of the Industrial and Provident Societies Act, 1893, printed after the *passing of this Act* by any of the several printers to the Queen's most Excellent Majesty duly authorised to print the statutes of the United Kingdom, shall be printed with the substitution and addition required by this Act.

Industrial and Provident Societies Act, 1893, Amendment.

A

B I L L

To amend the Industrial and Provident Societies Act, 1893, in so far as it relates to the Island of Jersey.

(*Prepared and brought in by Mr. George Howell, Sir Francis Powell, Mr. Bartley, Mr. James Rowlands, Mr. Henry Hobhouse, and Mr. Charles Fenwick.*)

Ordered, by The House of Commons, *to be Printed*, 20 *March* 1894.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
EYRE and SPOTTISWOODE, East Harding Street, Fleet Street, E.C., and 32, Abingdon Street, Westminster, S.W.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and 90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 96.]

Industrial and Provident Societies (Purchase of Fee Simple) Bill.

MEMORANDUM.

The Town Holdings Committee, in their final Report, recommend that compulsory powers for the enfranchisement of their leaseholds should be specially given to the following :—"Public Educational "Bodies, Co-operative and Provident Societies, and Public Autho- "rities and Corporations."

This Bill is an attempt to carry out that recommendation so far as Industrial and Provident Societies are concerned.

The initial process is, on the customary lines, to compel the lessor or lessors by notice to estimate the present value of their interests, and the society wishing to enfranchise to offer a counter-price, with a reference, if they cannot agree, to the county or other analagous court. The capital sum or sums having been settled by agreement or by the court, power is given to the society to substitute a terminable or perpetual rentcharge for the capital payment, with the consent of the person or persons who had the reversionary interest.

Legal expenses are limited, and a scale of costs is provided.

Industrial and Provident Societies (Purchase of Fee Simple) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.
4. Society may acquire reversions by purchase.
5. Originating notice by society.
6. Production of deeds relating to the reversions and of the lease of the demised hereditaments.
7. Society may purchase reversions by agreement.
8. Application to court.
9. Court to fix a day for hearing, and to send notice to parties.
10. Assessment of purchase money.
11. Waiving of full proof of title in certain cases.
12. Payment of purchase money into court and issue of certificate of purchase, having effect of conveyance.
13. Distribution of purchase money.
14. Provision for cases of disability.
15. Provision in case of irregularities.
16. Costs to be paid by society.
17. Costs in case of default of society or of unfounded claim.
18. Limitation in certain cases of right to apply to court.
19. Appeals.
20. Rules.
21. Forms in schedule.
22. Notices may be printed or written.
23. Service of notices.

SCHEDULE.

A

B I L L

TO

Give facilities to Industrial and Provident Societies for the purchase of the Fee Simple of their Holdings. A.D. 1894.

WHEREAS it is expedient to amend the law so as to give to Industrial and Provident Societies the power to acquire the freehold reversion expectant on the determination of their leases and any intermediate interests in such property:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Industrial and Provident Societies (Leasehold Enfranchisement) Act, 1894.

Commencement of Act.

2. This Act shall come into operation on the *first day of September one thousand eight hundred and ninety-four*, which date is herein-after referred to as the commencement of this Act.

Interpretation of terms.

3. In this Act the following words and expressions shall have the interpretations and meanings in this section assigned to them respectively, unless there be something in the subject or context repugnant to such construction (that is to say):—

"Lease" means a lease, under-lease, assignment operating as a lease or under-lease, or an agreement for such lease, under-lease, or assignment, for a term of lives or for a term of which *ten years* shall be unexpired at the time of the serving of the originating notice herein-after mentioned:

"Settlement," "settled land," and "tenant for life" have the same meanings respectively as in the Settled Land Acts, 1882 and 1884:

"Court" means in England the county court for the district wherein any part of the demised premises is situated; in

A.D. 1894.

Scotland the court of the sheriff substitute within whose jurisdiction any part of the said demised premises is situated; and in Ireland the land commissioners or sub-commissioners appointed under the Land Law (Ireland) Act, 1881:

"Prescribed" means prescribed by rules made in pursuance of this Act:

"Reversions" include "remainders":

"Society" means any society registered under the Industrial and Provident Societies Act, 1876, 39 & 40 Vict. c. 45., or any Act amending that Act.

Society may acquire reversions by purchase.

4.—(1.) From and after the commencement of this Act every society holding any hereditaments by lease shall have, as incident to and inseparable from their interest in such lease, whether granted before or after the commencement of this Act, the right to acquire the reversion expectant or consequent upon the determination of the term, and the reversions of any superior or intermediate lease or interest, and also the freehold reversion in the demised hereditaments in the manner herein-after provided; but a society shall not be entitled to exercise such right in respect of part only of the hereditaments demised by such lease, except where such part is the subject of a separate tenancy.

(2.) When the interest of the society in a lease is subject to an incumbrance, then, on the purchase by such society of such lease or of the freehold reversion expectant on the determination of the term, the lease or reversion so purchased shall vest in such incumbrancer in the same manner as if such lease or reversion had been actually conveyed to him by the instrument creating such incumbrance.

(3.) The right to acquire such reversions as aforesaid shall be incapable of being supended, modified, released, or extinguished.

Originating notice by society.

5.—(1.) When a society holding any hereditaments by lease is desirous of acquiring the reversion to the demised hereditaments in pursuance of this Act, he shall serve upon the lessor or his agent a notice, herein-after described as the originating notice, which may be in the Form No. 1 in the schedule to this Act annexed or to the like effect.

(2.) Within *twenty-one days* after the service of the aforesaid notice the lessor shall deliver to the society particulars of his interest in the demised hereditaments and the amount of purchase money which he claims for the same. These particulars may be given in the Form No. 2 in the schedule to this Act annexed or in a prescribed form.

A.D. 1894.

(3.) Upon receipt of these particulars the society shall serve upon the persons who thereby appear to have a beneficial interest in the demised hereditaments a notice in the Form No. 3 in the schedule to this Act annexed, and each of such persons shall, within *twenty-one days* from the date of such service, deliver to the society notice of his interest in the demised hereditaments and the amount of purchase money which he claims for the same, which notice may be in the Form No. 2 in the schedule hereto or other prescribed form.

Production of deeds relating to the reversions and of the lease of the demised hereditaments.

6. Within *one calendar month* after the service of the prescribed notice the society shall, if requested to do so, deliver to the lessor and any other person upon whom such notice shall have been served an abstract of the title to the lease, and shall verify such title by the production of the deeds for examination by the lessor. The lessee may, in the like manner and within the same specified time, require from the lessor and any other person upon whom such notice shall have been served an abstract of his title to his reversion and a verification of his title thereto.

Society may purchase reversions by agreement.

7. The lessor may agree with the society and all other persons who are beneficially interested in the demised hereditaments and any tenant for life or person having the powers of a tenant for life under any settlement comprising or affecting the demised hereditaments to acquire their interests by purchase, and in the case of any such tenant for life or person having the powers of a tenant for life it shall not be necessary, notwithstanding the provisions of the Settled Land Act, 1884, to obtain the leave or sanction of the High Court of Justice to such agreement, purchase, or sale.

Application to court.

8.—(1.) Where the society and other persons interested in the demised hereditaments are unable to agree as to the amount of purchase money, or where any doubt or difficulty is alleged to exist as to the title of the lessor or other person, the society may make an application to the court in the prescribed form, and the court shall be empowered to hear and determine the points of difference between the parties and settle the amount to be paid by the society for the purchase of the respective interests of the parties concerned, and shall likewise make an award specifying and assessing the amount of purchase money to be paid for the purchase of the freehold reversion in the demised hereditaments, and shall direct the apportionment and distribution of such purchase moneys respectively among the persons entitled thereto, and may, subject

A.D. 1894.

to the provisions of this Act, make such orders as to costs as may be deemed expedient.

(2.) The application to the court shall briefly state the points upon which the decision of the court is desired, and it shall also include the following particulars :—

(*a.*) The name and address and description of the society :

(*b.*) A description of the demised hereditaments and where situate :

(*c.*) The nature and extent of the applicant's interest in such hereditaments : and

(*d.*) The names, addresses, and descriptions of the lessor and all persons having or reputed to have a beneficial interest or estate in the aforesaid hereditaments.

(3.) In making an application under this section the applicant shall deposit in court a sum equal in amount to *one year's* rent at the rate reserved in the lease, as a security for any costs and expenses that may be incurred in connexion with the application.

Court to fix a day for hearing, and to send notices to parties.

9. As soon as conveniently may be after the receipt of the application the court shall fix a day to hear and determine the matters in dispute between the parties other than matters relating to title, and shall give due notice of the same to the applicant, the lessor, and all other persons interested or reputed to be interested in the demised hereditaments.

Assessment of purchase money.

10. In determining the amount of purchase money to be paid to the lessor and other persons interested in pursuance of any application under this Act, regard shall be had to the following directions :—

(*a.*) The purchase money shall be the sum which, in the opinion of the court, is the value of the present interests in the reversions in question expectant upon the determination of the lease :

(*b.*) There shall be excluded from the computation of such purchase money the value of any improvements made by the lessee after or in pursuance of the granting of the lease unless the same were made in pursuance of antecedent covenants or agreements expressly entered into by him :

(*c.*) If the society or their predecessor in title shall have made improvements or incurred any outlay for which by law, custom, or contract such society or their predecessor is entitled to be compensated by the lessor, allowance shall be made for the present value of such improvement or outlay in the assessment of the purchase money :

A.D. 1894.

(*d.*) Unless the lessor and all other persons interested concur in releasing the society from the obligation of observing the restrictive covenants of the lease the burden of such covenants so far as such covenants may be enforceable against the society shall be taken into account in arriving at the amount of purchase money, and the same shall thereupon cease.

Waiving of full proof of title in certain cases.

11.—(1.) Where it appears that the title of the lessor or other person claiming or reputed to be beneficially interested in the demised hereditaments cannot be expeditiously deduced or proved, the court shall, upon being satisfied that the lessor or his predecessor in title or other person claiming to have a superior interest in the said hereditaments has been in the actual receipt of the rent reserved by the lease for the *twelve years* immediately preceding the application to the court, be empowered to make an order waiving any further proof of title.

(2.) The court shall subsequently proceed to ascertain the respective rights of the several persons claiming to be entitled to the purchase money, and may make such order for its distribution among them in respect to their respective interests as may be deemed just.

Payment of purchase money into court and issue of certificate of purchase having effect of conveyance.

12. The society shall, within *one month* from the date of the order fixing the amount of the purchase money or within such further time as the court may direct, pay the same into court in the prescribed manner, and upon such payment shall be entitled to a certificate of purchase, specifying in the prescribed form the proceedings and determination of the court, and the names and interests of the lessor and other persons to whom the prescribed notice was given and the restrictive covenants (if any) to which the demised premises remain subject; and such certificate shall operate as a conveyance from the day of its date to the society of all the interest in such premises that was vested in such lessor or other persons at the date of the application or of the ascertainment of the purchase money, and such premises shall be thereby forthwith vested in the society.

Distribution of purchase money.

13.—(1.) On receipt of the said sum the court shall give *one month's* notice to the lessor and other persons interested of the intention to distribute the said sum among the persons severally entitled thereto; and on the expiration of such notice, and on being satisfied by affidavits of the said lessor and other persons that they still remain entitled to the same, the court shall order the purchase money to be paid over to them according to their respective rights.

A.D. 1894.

(2.) The court shall make such order as in its discretion may be deemed just and expedient in regard to the payment over of such sum as aforesaid, or in regard to the retention by the court of such sum, or any part thereof, pending any further inquiries as to the right of any person to receive the same.

(3.) On the purchase by the society of any lease or freehold reversion expectant on the determination of any term, and which is an estate or interest within the meaning of the Settled Estates Act, 1887, as being subject to a settlement or being settled estate within the meaning of the said Act, or is settled land, or is subject to or comprised in any settlement, the purchase money for such lease or freehold reversion shall be paid to the persons who under the said Acts are thereby authorised to receive and give receipts for capital moneys arising from a sale under the said Acts or either of them, and shall be dealt with and be subject to the same provisions in all respects as if the purchase under this Act were a sale effected by a tenant for life or person having the powers of a tenant for life under the Settled Land Act, 1882.

Provided always, that it shall not be necessary as against the society to obtain the consent of any court to the carrying out of any sale to a society of any such lease or reversionary interest as aforesaid under the provisions of this Act.

After payment by the society of the purchase money or execution of the deed of conveyance securing a rent in lieu of purchase money, as before provided, the society shall not be made a party to any application to the court under the Settled Estates Act, 1877, the Settled Land Act, 1882, and the Settled Land Act, 1884, or any of them, and shall not be liable to any costs, charges, or expenses in or about any application thereunder.

Provision for cases of disability.

14.—(1.) In the event of the disability, by infancy, coverture, insanity, or otherwise, of any person who but for such disability would have been entitled to be treated as a lessor or person beneficially interested under this Act, the powers and duties of such person shall devolve upon his trustee, committee, guardian, or person who is entitled to receive the rent or profits of his estate on his behalf.

(2.) Every provident or industrial society holding any hereditaments by lease shall, notwithstanding any disability, be able to purchase or hold land in pursuance of this Act.

Provision in case of irregularities.

15. Where any of the parties make default in complying with any of the obligations imposed on them by this Act, or where any

error, omission, or irregularity takes place in any proceedings under this Act owing to inadvertence, it shall be lawful for the court to grant any relief that it may deem just, either by extension of time or rectification of any previous order, or otherwise howsoever, upon such terms and conditions as may be deemed expedient.

Costs to be paid by society.

16.—(1.) The costs of the society in connexion with the application to the court and any other proceedings under this Act up to the payment of the purchase money or execution of the deed securing a rentcharge shall, subject as herein-after provided, be borne and paid by the society, and the court shall make such order as may be required for the payment of the said costs out of the deposit in court, and for the payment to the society of the balance of such deposit (if any), but if any costs remain unpaid they shall be an equitable charge upon the society's interest in the demised premises, and the balance so remaining shall be paid in such manner as the court may direct.

(2.) In taxing costs under this Act only one set of costs shall be allowed as payable by the society except in cases where the court shall otherwise decide.

(3.) In respect of every purchase taking place under this Act there shall be paid by the society to the solicitors of the freeholder in reversion whose interest shall be purchased, for deducing the title to such interest and for investigating the title of the lessee and for completing the conveyance to the lessee, the following fees, exclusive of stamps, fees paid to public officers on registration, and costs of extracts from any register, record, or roll, or other disbursement reasonably and properly paid, that is to say,

Where the purchase money does not exceed *1,000l.* - - *30s.* per 100*l.* of purchase money.

For the second and third *1,000l.* *20s.* per 100*l.*

For the fourth and each subsequent *1,000l.* and up to *10,000l.* *10s.* per 100*l.*

Fractions of 100*l.* being reckoned as 100*l.*

Costs in case of default of society or of unfounded claim.

17. Where the society has wilfully or negligently delayed or made default in proceeding with their application, or where any party to the application under this Act has in the opinion of the court made an unfounded claim or contention, the court may, in its discretion, make an order requiring such person to pay the whole or any portion of the costs which may have been incurred by reason of such default or unfounded claim.

Limitation in certain cases of right to

18. If the application of any society be dismissed, or their right to the benefit of this Act be determined against them, or they decide and

A.D. 1894.

Apply to Court.

be permitted no further to proceed by reason of their being dissatisfied with the title of the lessor or other persons claiming to be interested in the demised hereditaments, they shall be barred from taking further proceedings under this Act for the space of *five years* without special leave from the court. And in no case shall they take any further proceedings without first paying all such costs as may be ordered by the court in respect of the said application.

Appeals.

19.—(1.) All orders of the court shall be subject to appeal on matters of law in England in the same manner as appeals are now made from the decisions of county court judges on matters of law; in Scotland in the same manner as appeals are now made from the decisions of sheriffs; and in Ireland in the same manner as appeals are now made from the decisions of the Land Commissioners. All orders relating to costs, and all decisions of the court on matters of fact or in the exercise of its discretion, shall in like manner be subject to appeal by leave, either of the judge or of the court before which the appeal is to be heard.

(2.) No appeal shall be beyond the divisional court in England, the Court of Session in Scotland, and the Queen's Bench, Common Pleas, or Exchequer in Ireland, without leave from the said courts or from the court before which such appeal is to be heard, which shall in each case be the court to which ordinarily appeals are made from the before-mentioned courts respectively.

(3.) In the case of appeals all costs incurred in the matter subject to appeal shall be in the discretion of the court to which appeal is made.

Rules.

20. Rules for the purposes of this Act may be made and altered from time to time by the like persons and in the like manner in which rules may be respectively made under and for the purposes of the County Courts Acts in England, of the Sheriffs Courts Acts in Scotland, and of the Land Acts in Ireland.

Forms in schedule.

21. Any deeds, notices, or other documents in the form contained in the First Schedule to this Act annexed, or to the like purport and effect as may be prescribed, shall as regards form and expression in relation to the provisions of this Act be deemed sufficient for all purposes.

Notices may be printed or written.

22. Notices, orders, and other documents under this Act may be in writing or print, or partly in writing and partly in print, and when issued by the court shall be deemed sufficiently authenticated if they bear the official seal of the court.

A.D. 1894.

Service of notices.

23. Any notice, order, or document required or authorised by this Act to be served on any person may be served—

(*a.*) By delivering the same to such person; or

(*b.*) By leaving the same at the usual or last known place of abode of such person; or

(*c.*) By forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode.

If the notice is served by post it shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

A.D. 1894.

SCHEDULE.

FORMS.

FORM NO. 1.

Originating Notice by the Society.

In pursuance of the provisions of the Industrial and Provident Societies (Leasehold Enfranchisement) Act, 1894, the Society of holding by a dated the day of , granted for a term of years, and of another year of the property herein-after mentioned from the day of , the society does hereby give you notice that they intend to exercise the powers of the said Act, and to purchase the reversion expectant on the determination of the said term, and the reversions of any superior or intermediate lease or interest, and the freehold reversion in the demised premises, and the short particulars of which are stated below. And that the society are willing to submit themselves to the provisions of the said Act, and to purchase pursuant to the said Act the said property, and requires from you in writing addressed to the Society at the following particulars :—

(1.) In the event of your holding the premises under a lease or leases—(*a.*) The date of such lease or leases. (*a.* 1.) The term or terms for which the premises are held. (*b.*) The names and addresses of the lessors so far as you can supply the same, and of the agents of the lessors if known to you. (*c.*) The names and addresses of the agents or persons to whom you made the last payment of rent in respect of the property comprised in such lease or leases. (*d.*) The amount of rent reserved by the lease or leases for the remainder of the term of the lease or leases. (*e.*) And if the same relates to any other property than that comprised in the lease, to which this notice relates, the short particulars and description of such other property in case you require the said other property to be purchased. (*f.*) And the amount you claim as purchase money for the interests and property comprised in the notice in writing so to be given by you.

(2.) In the event of your being entitled to the freehold reversion expectant or consequent upon the determination of the lease now held by the Society as lessees. You are required to state the particulars of your interest in the said property, and in separate amounts the respective purchase moneys you claim—(*a.*) for such reversion, and (*b.*) for such rent as may be payable to you during the residue of the term of the lease.

Dated this day of 18 .

The Short Particulars of the Property above referred to.

[Here describe the premises according to the usual or postal address] and add the words:

And which description is intended to describe the property comprised in the lease dated , made between for a term of years from the day of at the rent of £ in respect of which this notice is given.

FORM No. 2.

Particulars of Lessor's or Freeholder's interest and price for Sale.

I, the undersigned of , [*or* the undersigned duly authorised agent for this purpose of of] in reply to the society's originating notice under the Industrial and Provident Societies (Leasehold Enfranchisement) Act, 1894, dated day of 18 , hereby inform the society that the premises mentioned in your , and in respect of which the society are now paying the rent of £ , were granted or demised by indenture of lease (or leases) bearing date (respectively) the day of (and the) (day of) and made between for a term of years from the day of , and that the same are held by me under an indenture of lease (or leases) bearing date (respectively) the day of and made between and for a term of years from the day of at a rent or rents of £ per annum, payable (free from all deductions whatsoever except income tax) (or that I hold the same in fee simple), and I claim as purchase money for the freehold reversions expectant upon the termination of the term of years now held by the Society the sum of £ , and as purchase money for the £ per annum payable to me as aforesaid under the lease (or leases) before mentioned the sum of £ as purchase money.

If held by the lessor under a lease state the following particulars.

State if any charges or taxes are payable out of the rent by the lessor.

Dated this day of 18 .

Yours, &c.

FORM No. 3.

Notice by Society of desire to exercise the powers of the Act.

Having been informed by of that the under-mentioned premises are comprised in a lease (or leases) dated the , and made between for a term of years and of another year from the day of at the yearly rent or rents of £ payable [quarterly] (free of all rates and taxes except property tax), and that you are entitled as lessor to the rents and profits of such premises, and to the freehold reversion expectant on the determination of the said lease, the Society

Recite the facts from notice given in Form No. 2.

A.D. 1894.

of hereby inform you that on the day of in pursuance of the powers of the Industrial and Provident Societies (Leasehold Enfranchisement) Act, 1894, an originating notice (a copy of which is enclosed herewith) was sent to the lessor under whom I hold the under-mentioned premises, and the society hereby submit to the provisions of the above-mentioned Act, and pursuant to the provisions thereof require you within one calendar month from the date hereof to deliver to the society at the above address a notice in writing stating the following particulars :—

1. } Copy remainder of notice from Form No. 1.
2. }

Industrial and Provident Societies (Purchase of Fee Simple).

A

B I L L

To give facilities to Industrial and Provident Societies for the purchase of the Fee Simple of their Holdings.

(Prepared and brought in by Mr. Lambert, Mr. James Rowlands, Mr. Bartley, Mr. Channing, Mr. Henry J. Wilson, Mr. David Thomas, Mr. Buchanan, Mr. Crilly, and Mr. Cameron Corbett.)

Ordered, by The House of Commons, *to be Printed,* 4 *May* 1894.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from EYRE and SPOTTISWOODE, East Harding Street, Fleet Street, E.C., and 32, Abingdon Street, Westminster, S.W.; or JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and 90, West Nile Street, Glasgow; or HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price 2d.*]

[Bill 221.]

A

B I L L

INTITULED

An Act to further amend the Industrial Schools Act, 1866. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Supervision of children after discharge from industrial schools.

1.—(1.) Every child sent to an industrial school after the passing of this Act shall, from the expiration of the period of his detention at such school, remain up to the age of eighteen under the supervision of the managers of the school.

(2.) The managers may grant to any child under their supervision a licence in the manner provided by section twenty-seven of the Industrial Schools Act, 1866, and may revoke any such licence, and recall the child to the school; and any child so recalled may be detained in the school for a period not exceeding three months, and may at any time be again placed out on licence: Provided that—

(*a.*) a child shall not be so recalled unless the managers are of opinion that the recall is necessary for the protection of the child; and

(*b.*) the managers shall send to the Secretary of State an immediate notification of the recall of any child, and shall state the reasons for the recall; and

(*c.*) they shall again place the child out as soon as possible, and at latest within three months after the recall, and shall forthwith notify the Secretary of State that the child has been placed out.

(3.) A licence granted to a child within three months before attaining the age of sixteen shall continue in force after the child attains that age, and may be revoked or renewed in the manner provided by section twenty-seven of the Industrial Schools Act, 1866. 29 & 30 Vict. c. 118.

[Bill 335.]

A.D. 1894.

Penalty for inducing child placed on licence to escape, &c.

2. Section thirty-four of the Industrial Schools Act, 1866, shall be read and construed as if after the three offences therein severally specified there were added the following offence; namely,—

FOURTH.—Knowingly assists or induces, directly or indirectly, a child placed on licence to escape from any person with whom the child is so placed on licence, or prevents the child from returning to any person aforesaid.

Provision as to children detained under existing orders.

3. Any child detained in an industrial school at the passing of this Act may consent in writing to come under the provisions of this Act, and thereupon the Secretary of State, if satisfied that the consent was given voluntarily, and with full knowledge of its effect, may order that the provisions of this Act shall apply to the child, and they shall apply accordingly.

Saving for children detained under attendance order.

4. Nothing in this Act shall apply to any child committed to an industrial school under the Elementary Education Acts, 1870 to 1893.

Short title.

5. This Act may be cited for all purposes as the Industrial Schools Acts Amendment Act, 1894, and shall be construed as one with the Industrial Schools Act, 1866, and that Act and this Act may be cited together as the Industrial Schools Acts, 1866 and 1894.

Industrial Schools.

[H.L.]

A

B I L L

INTITULED

An Act to further amend the Industrial Schools Act, 1866.

(*Brought from the Lords* 26 *July* 1894.)

Ordered, by The House of Commons, *to be Printed*, 26 *July* 1894.

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90, West Nile Street, Glasgow; or
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[*Price* $\frac{1}{2}d.$]

[Bill 335.]

A

B I L L

TO

Extend the operation of the Infectious Disease (Notification) Act, 1889. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of 52 & 53 Vict. c. 72. to all districts, without adoption.

1. The Infectious Disease (Notification) Act, 1889, shall extend to every urban, rural, and port sanitary district; and section two of that Act, and section five thereof, in so far as the last-mentioned section provides for the adoption of the Act in any district, are hereby repealed.

Short title and commencement of Act.

2. This Act may be cited as the Infectious Disease (Notification) Act, 1894, and shall come into operation on the *first day of October one thousand eight hundred and ninety-four.*

[Bill 209.]

Infectious Disease (Notification).

A

B I L L

To extend the operation of the Infectious Disease (Notification) Act, 1889.

(*Prepared and brought in by Mr. Bolitho, Mr. Courtney, Mr. Henry Hobhouse, and Mr. Mallock.*)

Ordered, by The House of Commons, *to be Printed,* 1 *May* 1894.

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[Bill 209.]

Intoxicating Liquors (Licences) Bill.

ARRANGEMENT OF CLAUSES.

Restrictions on Licences.

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2. Restrictions after 1899.
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22. Penalty on offences under Act.
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26. Extent of Act.
SCHEDULE.

A

B I L L

TO

Amend the Law relating to Licences for the Sale of Intoxicating Liquors. A.D. 1894.

WHEREAS it is expedient to impose further limitations on the grant of licences for the sale of intoxicating liquors, and otherwise to amend the Licensing Acts, 1872 to 1874:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Restrictions on Licences.

Restrictions between passing of Act and 1899.

1. During the period intervening between the *passing of this Act* and the general annual licensing meetings held in the year *one thousand eight hundred and ninety-nine*, it shall not be competent for the licensing justices for a licensing district to grant any licence for the sale by retail of any intoxicating liquor in respect of any premises not licensed for such sale at the *passing of this Act*, if and so long as the number of such licences exceeds the proportion herein-after mentioned of such licences to population in that district.

Restrictions after 1899.

2. At their general annual licensing meeting in the year *one thousand eight hundred and ninety-nine*, and in every subsequent year, the licensing justices for each district shall only grant such number of such licences for sale by retail of any intoxicating liquor as shall not exceed the proportion herein-after mentioned of such licences to population in that district, and every licence so from time to time granted shall be deemed to be a new licence within the meaning of section thirty-two of the Licensing Act, 1874.

Proportion of licences to population.

3. The proportion of such licences to the population of a licensing district for the purposes of this Act shall not exceed the following proportion, viz.:—

If the district or part of the district be urban in character—

One licence if the population is under one thousand;

Two licences if the population is over one thousand and under two thousand;

A.D. 1894.

Three licences if the population is over two thousand and under three thousand;

With one additional licence for every additional thousand or part of a thousand of population.

If the district or part of a district be rural in character—

One licence if the population is under six hundred;

Two licences if the population is over six hundred and under one thousand two hundred;

Three licences if the population is over one thousand two hundred and under one thousand eight hundred;

With one additional licence for every six hundred or part of six hundred of population.

The confirming authority herein-after defined shall decide whether any district or part of a district is urban or rural in character.

Provided that if the licensing justices for a district are satisfied that in their district there is such a bonâ fide demand for accommodation for travellers as to justify the granting of additional licences, they may grant such additional licences in respect of bonâ fide hotels and inns not having any public bar, and in respect of refreshment rooms, in their district as they may deem necessary, on and subject to such terms and conditions as the licensing justices shall see fit.

Provided also that the licensing justices may take into consideration any representation signed by at least one-fourth of the ratepayers resident in a village or other portion of a rural district that such village or other portion of their district is without any licensed premises for the sale of intoxicating liquors; and the justices may, if satisfied that the majority of the inhabitants are in favour of the grant of a licence, recommend the confirming authority to grant such licence; and thereupon the confirming authority shall have power, if they in their absolute discretion think fit, to grant such licence, notwithstanding that the proportion of licences to population allowed by this section would be thereby exceeded.

Sale of Licences.

Licences to be offered for public tender.

4. At their general annual licensing meeting in the year *one thousand eight hundred and ninety-nine*, and in every subsequent year, the licensing justices in every licensing district shall offer for public competition by tender any licences which they have power to grant, and licences granted shall come into operation on the *tenth day of October* next following; but they shall not be bound to accept the highest tenders, nor shall they accept any tender unless satisfied as to the character of the person making it and as to the suitability of the premises in respect of which the licence is sought. Such licences shall continue in force for *five years*.

A.D. 1894.

In every county the county licensing committee, and in every borough the borough licensing committee, or joint committee as the case may be, may make regulations respecting the mode and conditions of making and receiving tenders, and the payment of purchase money, and such other matters as they may think proper for the better execution of this section, which regulations shall be observed by the licensing justices acting for each district.

Licences liquidation fund.

5.—(1.) All moneys received by the licensing justices of a district in respect of the sale of licences under this Act during each of the two periods of *five years* immediately following the General Annual Licensing Meeting in the year *one thousand eight hundred and ninety-nine*, shall be carried to a fund to be established for the district by and subject to the control of the licensing justices, and to be called "The Licences Liquidation Fund (District)."

(2.) In each of those respective periods, the licensing justices shall distribute the sums from time to time standing to the credit of the fund and available for distribution among the persons beneficially interested in the licenses which were in force within the district at any time during the *three years* preceding the General Annual Licensing Meeting in the year *one thousand eight hundred and ninety-nine*, including the personal representatives of any such person deceased.

(3.) With a view to such distribution, the justices may make such regulations as to the time and mode of sending in claims, and as to meetings of claimants and agreements respecting the distribution, and other incidental matters as they may see fit; and the decisions of the justices as to the validity of any claim by any class of persons or person, as to the rights of claimants *inter se*, and as to the value of any beneficial interest, and all other matters, shall in all cases be final and without appeal; and no action shall lie or be entertained respecting any regulation matter or thing bonâ fide made or done by justices under this section.

(4.) Provided always that no payment shall be made out of the fund in respect of any licence which has been forfeited or revoked or of which the renewal has been refused by the justices on the ground of any conviction or misconduct or of the character of the applicant.

(5.) Provided also that no person shall receive out of the fund any greater sum than shall, in the opinion of the justices, represent the amount of his beneficial interest.

Ultimate application of moneys

6. After the expiration of the second of the said two periods of five years any balance of moneys remaining in the Licences

A.D. 1894.

received for licences.

Liquidation Fund of any district, and all moneys subsequently received by licensing justices in respect of the sale of licences under this Act shall (subject to payment of the costs and expenses by this Act charged thereon) be paid into Her Majesty's Exchequer.

Power of Ratepayers.

Power of ratepayers to insist on early closing or Sunday closing, &c.

7.—(1.) On the written requisition, at any time after the expiration of *twelve months* from the passing of this Act, of not less than one-tenth of the ratepayers in any licensing district, the council of the county or borough in which the district is situate shall cause to be taken a poll of the ratepayers of the district on both or either of the following questions, according to the tenour of the resolution, namely, (*a*) whether licensed premises shall be closed between *ten* p.m. and *eight* a.m.; or (*b*) whether licensed premises shall be altogether closed on Sundays and on days of parliamentary elections.

(2.) If question (*a*) or (*b*) is resolved in the affirmative by the votes of a majority of the persons voting at such poll, then after the expiration of *three days* from the date of the declaration of the poll on the resolution all licensed premises in the district shall be closed between *ten* p.m. and *eight* a.m., or shall be closed altogether on Sundays and on days of parliamentary elections, as the case may be, according to the tenour of the resolution.

(3.) In case no poll has been taken, the justices may when granting such licences as aforesaid impose the conditions that the premises shall be closed between *ten* p.m. and *eight* a.m., and on Sundays and days of parliamentary elections, or either of such conditions.

Power of ratepayers to veto grant of licences for sale of intoxicating liquors.

8.—(1.) On the written requisition, at any time after the *tenth day of October one thousand eight hundred and ninety-eight* of not less than one-tenth of the ratepayers in any licensing district, the council of the county or borough in which the district is situate shall cause to be taken a poll of the ratepayers of the district, on the question whether the sale by retail of intoxicating liquors in that district shall be prohibited.

(2.) If the question is resolved in the affirmative by the votes of *three-fourths* of the persons voting at such poll, no licence for sale by retail of any intoxicating liquor (save such special licences as are in this Act mentioned) shall be granted in respect of any premises in the district, so long as the resolution is in force.

A.D. 1894.

Provisions as to poll.

9.—(1.) The persons entitled to vote at a poll under this Act shall be the persons entitled to vote at any municipal or county council election, for any part of the area included in the licensing district for which the poll is taken.

(2.) The poll shall be taken on such day as the chairman of the council of the county or mayor of the borough shall fix.

(3.) Subject to the provisions of this Act the poll shall be taken by ballot, in like manner, as nearly as may be, as a poll for election of county or borough councillors, except that the ballot paper shall be in the form in the schedule to this Act.

Rescission of resolution.

10. Any resolution passed as aforesaid may be rescinded by a similar vote at any time after the expiration of *five years* from the passing thereof, and, if rescinded, a ballot shall not be again taken on the question before the expiration of *five years* from the date of such rescission.

Costs of poll of ratepayers.

11. All costs properly incurred in relation to the taking of a poll of ratepayers as aforesaid shall be paid by the council of the county or borough in which the licensing district is situate out of the county fund or borough fund, as the case may be, and shall be recouped to the council by the justices acting for the licensing district out of the proceeds of sale of licences received by them under this Act.

Savings for hotels, &c.

12. Notwithstanding the passing of any such resolution as aforesaid in a licensing district, the licensing justices shall have power to grant and renew such special annual licences as they see fit for the sale by retail of intoxicating liquors in any railway refreshment rooms to persons arriving or departing by train, and in any hotel or inn to persons lodging therein, or to bonâ fide travellers taking meals therein, but such licences shall be issued only on and subject to such terms and conditions as the licensing justices shall see fit.

Appointment of Inspectors.

Power of confirming licensing authority to appoint inspector.

13.—(1.) The confirming authority, herein-after defined, in any county or borough with the consent of the county council or borough council as the case may be, may, if they see fit, appoint an inspector or inspectors, and every inspector appointed under this Act shall be removable by the confirming authority at their pleasure.

(2.) There shall be paid to every such inspector by the county council or the borough council, as the case may be, out of the county fund or borough fund, such reasonable salary and allowances as the council shall think fit; but the whole or such propor-

A.D. 1894.

tion of the salary and expenses of inspectors appointed under this Act as the confirming authority may think fit shall be recouped to the confirming authority by the justices of the several licensing districts within their jurisdiction out of the proceeds of the sale of licences received by them under this Act.

Powers of inspector.

14. An inspector appointed under this Act may at any time enter licensed premises, and shall be afforded by the occupier every reasonable opportunity of inspecting such premises, and of taking samples of the intoxicating liquors sold there.

Report to confirming authority.

15.—(1.) It shall be the duty of the inspector or chief inspector for each licensing district to report, not less than once a year, to the confirming authority, as to the ownership, occupancy, condition, and management of the licensed premises within his jurisdiction, the prevalence of drunkenness, the extent and nature of accommodation afforded in the way of refreshment, sleeping, stabling, and otherwise, and its proportion to the requirements of bonâ fide travellers and others, and to make such recommendations as shall seem fit to him.

(2.) A copy of such report shall be sent by the confirming authority to the licensing justices for each licensing district, and shall be considered by them on the hearing of any application for the grant of a licence; and if any complaint of the condition or management of any licensed premises is made in such report, a copy of such complaint shall be sent by the confirming authority before such hearing to the occupier of such premises.

Clubs.

Registration of clubs.

16.—(1.) The provisions of section three of the Licensing Act, 1872, with regard to the prohibition of the sale of intoxicating liquor by retail without a licence, shall extend to the sale of intoxicating liquor in any club, unless the club is registered under this Act.

(2.) The licensing justices for each licensing district shall keep a register for the purpose of the registration of clubs within their district.

(3.) Such register shall contain the following particulars respecting every club registered therein:—

(i.) The name and locality of the club, and the objects for which the club is established.

(ii.) The description of the club premises.

(iii.) The name of the secretary or other responsible officer.

A.D. 1894.

Application for registration.

17.—(1.) The secretary or other officer of any club desirous of being registered under this Act shall, in the case of a club existing at the date of the *passing of this Act* within *three months* after the passing of this Act, and, in the case of a club formed after the passing of the Act, before the opening of the club premises, apply to the licensing justices of the district in which such club is situate to register such club, and shall give such other notice of his intention to apply for registration as is now required from applicants for licences to sell by retail intoxicating liquors, and the licensing justices for the district shall, if they are satisfied that such club is being used or is intended to be used bonâ fide as a club for social purposes, grant registration thereof.

(2.) Such secretary or other officer shall at the time of making such application furnish to the licensing justices with regard to the club of which he is secretary or officer the particulars above specified, and shall also from time to time, when required by the justices, furnish to them a copy of the rules and a list containing the names and addresses of the officers, committee, or other governing body, and members of such club.

(3.) Before the *tenth day of October* in every year subsequent to the first registration, an application in such form as the licensing justices may prescribe must, if it is desired to continue the sale of intoxicating liquors, be made to the licensing justices for renewed registration.

(4.) Any person who furnishes any information under the requirements of this section knowing the same to be false or insufficient in any material particular shall be liable on summary conviction to a fine not exceeding *twenty pounds.*

Registration fees.

18.—(1.) The secretary or other officer of every club shall, before such club is registered, pay to the licensing justices a registration fee at the rate of *five pounds* per centum on the total receipts of the club from the sale of intoxicating liquor during the year ending on the last preceding *thirty-first day of December;* and the like fee annually at such time as the licensing justices shall fix.

(2.) The secretary or other officer of every club on applying for registration shall send to the licensing justices a return in such form as the justices may prescribe, showing the amount of the said receipts; and the accounts of the club may be inspected by a person appointed by the justices for comparison with the return.

(3.) If on the first application for registration a return cannot be made for the purposes of this section, the justices may fix the registration fee at a sum not exceeding *five pounds* where the maximum

A.D. 1894.

number of members of the club does not exceed one hundred, *ten pounds* where the maximum number does not exceed two hundred, and so on in like proportion.

Evidence as to nature of club.

19. Before granting registration of a club the licensing justices shall hear the evidence of any person who is of opinion that such club is not, or is not intended to be, a bonâ fide club for social purposes.

Power to remove from register.

20. Any person alleging that a club registered under this Act has ceased to exist, or is not a bonâ fide club for social purposes, or that drunkenness is habitually permitted in the club premises, or that the club is used principally for the consumption of intoxicating liquor, may apply to the licensing justices of the district to remove the name of the club from the register.

If after giving at least *twenty-one days'* notice of the allegation or allegations to the secretary or other officer of the club, and after hearing the applicant and any person desirous of being heard on the part of the club, the justices are of opinion either that the club has ceased to exist, or is not a bonâ fide club for social purposes, or that drunkenness is habitually permitted on the club premises, or that the club is used principally for the consumption of intoxicating liquors, they may remove the name of the club from the register, and thereupon the club, for the purposes of this Act, shall cease to be a registered club.

Appeal.

21. A refusal of the licensing justices to grant registration of a club, and a decision of licensing justices to remove a registered club from the register, shall be subject to the like right of appeal as the refusal to renew a licence under the Licensing Acts.

Miscellaneous.

Penalty on offences under Act.

22.—(1.) Any licensed person who does or causes or suffers to be done any act in contravention of any resolution of ratepayers under this Act for the time being in force, or of the conditions of his licence, or who obstructs or hinders any inspector in the execution of his powers under this Act, shall be liable on summary conviction to a fine not exceeding *fifty pounds*.

(2.) If any licensed person or his manager is convicted under this section twice within *two years*, such licensed person shall not again receive a licence for *five years* from the date of the licensing day which next follows such second conviction.

Interpretation.

23. In and for the purposes of this Act the expression "confirming authority" means in counties the county licensing

committee, and in boroughs the whole body of borough justices, or the joint committee appointed under section thirty-eight of the Licensing Act, 1872, as the case may require; and the expression "licensing district" and other expressions to which meanings are assigned in the Licensing Acts, 1872 to 1874, have, unless the context otherwise requires, the same respective meanings.

General savings.

24. Nothing in this Act shall, except in so far as is expressly provided, affect—

(1.) The sale of intoxicating liquor by proprietors of theatres in pursuance of the Acts in that behalf.

(2.) The sale of intoxicating liquor in packet or passenger boats in pursuance of the Acts in that behalf.

(3.) The sale of spirits in canteens in pursuance of any Act regulating the same.

(4.) The sale of medicated or methylated spirits.

(5.) The sale of any intoxicating liquor by wholesale.

Short title of Act.

25. This Act may be cited as the Licensing Act, 1894.

Extent of Act.

26. This Act does not extend to Scotland or to Ireland.

A.D. 1894.

SCHEDULE.

FORM OF BALLOT PAPER.

If you are in favour of *
place a X opposite the word Aye; if you are against it, place a X opposite the word No. Do not write anything or make any other mark on the paper.

Aye	
No	

* Here insert as the case may require—"prohibiting the sale by retail of intoxicating liquors in your district," or "closing licensed premises on Sundays and days of parliamentary elections," or "closing licensed premises between 10 p.m. and 8 a.m."

Intoxicating Liquors (Licences).

A

B I L L

To amend the Law relating to Licences for the Sale of Intoxicating Liquors.

(Prepared and brought in by Sir Henry E. Roscoe, Mr. Jacob Bright, Mr. W. Crosfield, Mr. Robert Leake, Mr. W. Mather, and Mr. C. S. Roundell.)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1894.

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[*Price* 1½*d.*]

[Bill 53.]

A

B I L L

TO

Enable the Ratepayers of any locality to veto the issue of Licences for the sale of Intoxicating Liquors in Ireland. A.D. 1894.

WHEREAS the traffic in intoxicating liquors is one of the main causes of poverty, disease, and crime, depresses trade and commerce, increases local taxation, and endangers the safety and welfare of the community:

And whereas it is expedient to confer powers upon ratepayers and parliamentary voters in towns and districts in Ireland to prohibit or control such traffic:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Definitions.

1. The following terms in this Act shall have the meanings assigned to them respectively:

"Voter" in this Act shall mean any person whose name shall from time to time be duly entered upon the register of voters for poor law guardians:

"Town" shall mean and include—

Any parliamentary or municipal borough; also

Any town having commissioners under an Act passed in the session of Parliament held in the ninth year of the reign of King George the Fourth, chapter eighty-two, intituled "An Act to make provision for the lighting, cleansing, "and watching of cities and towns corporate, and market "towns, in Ireland, in certain cases;" also

Any town having municipal commissioners under an Act passed in the session of Parliament held in the third and fourth years of the reign of Her present Majesty Queen

A.D. 1894.

Victoria, intituled "An Act for the regulation of municipal "corporations in Ireland;" also

Any town having town commissioners or commissioners under the Towns Improvement Act, 1854, or under any Local and Personal Act:

"Division" shall mean a ward or division of any town which has been divided into wards or divisions for the purposes of municipal elections:

"District" shall mean an electoral division formed under the Acts for the relief of the poor, where such district shall not include a town; but where such district shall include a town or towns, shall mean that portion of such district not included within the boundaries of such town or towns:

"Intoxicating liquors" shall mean spirits, wine, beer, porter, ale, cider, perry, and sweets, and any fermented, distilled, or spirituous liquors which cannot, according to any law for the time being in force, be legally sold without a licence from the Commissioners of Inland Revenue:

"Licence" shall mean any licence for the sale of any intoxicating liquor granted by an officer of excise upon production of a certificate of any recorder of a city or borough or of justices under the provision of any Act now or hereafter requiring such certificate:

"Licensing authority" shall mean, as to licences granted in pursuance of certificates given at the recorder's court for any city, borough, or town respectively, and as to renewals or transfers of such licences, the recorder of any city, borough, or town respectively, and as to licences granted in pursuance of certificates given at quarter sessions, and as to renewals or transfers of such licences, the justices or authority empowered to grant such certificates at quarter sessions, and as to other licences, excise licences, and wholesale beer dealers' licences, the justice or justices empowered to grant certificates for the same respectively.

Application of voters for a poll to determine on the adoption or rejection of three resolutions.

2. It shall be lawful at any time *after the passing of this Act* for any number, not being less than one tenth of the whole of the voters in any town, division, or district, by notice in writing not later than the *first day of May* in any year, if in a town or division to be served upon the mayor or chairman of the town commissioners as the case may be of the town, or if in a district, to be served upon the sheriff of the county in which such district (or the

largest portion of the area thereof) is situated, requiring such mayor, chairman, or sheriff to take a poll of the voters in such town, division, or district for or against the adoption in such town, division, or district of the three resolutions of the purport and effect hereafter in this section mentioned, such poll to be taken in manner herein-after provided, not later than twenty-one days, nor sooner than seven days, after such notice in writing shall have been so served as aforesaid, and such mayor, chairman of town commissioners, or sheriff shall be the returning officer under this Act. Such returning officer may, if he thinks fit, within two days from the service of such notice, require an agreement by or an undertaking from the persons serving such notice, jointly or severally, to pay the returning officer the expenses of proceedings under this Act in case none of the said resolutions shall be adopted, and such returning officer shall not be bound to proceed under this Act until such agreement or undertaking be given.

(1.) First resolution—That the sale of intoxicating liquors shall be prohibited:

(2.) Second resolution—That the number of licences, excise licences, and wholesale beer dealers' licences, respectively, shall be reduced to a certain number, to be specified in such notice:

(3.) Third resolution—That no new licences shall be granted.

Except as hereafter in this Act provided, every poll under this Act shall be taken on each of the said three resolutions.

Notice of time and place for receiving votes for or against the resolutions.

3. Not later than *seven days* after receiving such notice, or undertaking, or agreement, as the case may be, the returning officer shall cause a notice to be affixed on or near the principal door of the chief places of worship, and the door of every public school, and on the usual places for posting notices in the town, division, or district, and shall cause such notice to be inserted twice at least in one or more newspapers (if any) published within the town, division, or district, or if there are none such newspapers, then in some other newspaper or newspapers circulated therein, duly setting forth the purpose of the said poll, and the said resolutions and the terms of this Act authorising the poll to be taken, and specifying on what day (but not later than fourteen days, nor sooner than seven days, after the publication of such notice), and at what place or places within such town, division, or district the voting for or against the adoption of the said resolutions shall take place.

Proof of voters qualification.

4. The register of parliamentary voters for the time being of the town, division, or district, or of the polling district within which

A.D. 1894.

such town, or division, or district shall be situate, shall be conclusive evidence that the persons therein named had or have, during the continuance in force of such register, the qualifications annexed to their names.

Mode of voting.

5. At the time appointed for voting for or against the adoption of the said resolutions the voting shall be conducted as nearly as possible in accordance with the Acts for the time being in force regulating the procedure to be observed at municipal elections:

Provided that the ballot papers shall be in the form set forth in the first part of the schedule to this Act, and the form of directions for the guidance of the voters set forth in the second part of the said schedule shall be substituted for any other form prescribed by law for municipal elections.

Resolution adopted by majority of two thirds.

6. Every voter shall have one vote for or against each resolution.

If a majority of two thirds of the votes recorded in respect of any resolution be in favour of its adoption, such resolution shall be carried, and, subject to the following proviso, shall be adopted:

Provided that—

(*a.*) Only one resolution shall be adopted at any one poll.

(*b.*) If the first resolution be carried it shall be adopted, whether either or both of the other two resolutions have been carried or not.

(*c.*) If the second resolution be carried, and the first be not carried, the second resolution shall be adopted, whether the third resolution be carried or not.

(*d.*) If the third resolution be carried, and the first and second be not carried, the third resolution shall be adopted.

Declaration of poll.

7. The returning officer shall, not later than the day after the poll has taken place, declare the result of the voting, and whether any and which of the resolutions have been adopted or all have been rejected; and if the first resolution has been adopted, the returning officer shall fix such day as he shall think fit, but not later than the *first day of November* then next, when such resolution is to come into operation, and the returning officer shall forthwith cause to be affixed and published notice of such resolution, and of the date so fixed in the same manner as herein-before provided for the notices of the poll under this Act. A copy of the notice of such resolution and of the date fixed for its coming into operation shall be conclusive proof in any proceedings under this Act that the said first resolution has been duly adopted, and that the formalities required by this Act have been complied with. When any of the

resolutions has been adopted, intimation thereof shall, within *seven* days from the day on which the result of the voting shall be declared, be sent by the returning officer to the Chief Secretary to the Lord Lieutenant of Ireland for the time being, and to the licensing authority of the town, division, or district for which such resolution shall have been so adopted.

First resolution. Prohibition of sale, barter, or exchange.

8. If the first resolution be adopted in any town, division, or district, then from and after the date when it comes into operation in such town, division, or district it shall not be lawful to sell, or expose for sale, or barter, or hawk, or otherwise dispose of intoxicating liquors therein; and any person or persons selling, or bartering, or otherwise disposing of intoxicating liquors contrary to this Act, shall be guilty of an offence, and, on conviction, be subject to all the penalties prescribed by section three of the Licensing Act, 1872.

Penalties for breach of this Act.

Provided that nothing herein contained shall be held to affect any sale made under any statute permitting the sale of methylated spirits for use in the arts and manufactures, or the sale of intoxicating liquors for medicinal use:

Provided also, that it shall not be lawful for any person in the said town, division, or district for which such resolution has been adopted to sell any intoxicating liquors for medicinal use, except on the prescription of a legally qualified medical practitioner, and unless he is a pharmaceutical chemist, or a chemist and druggist registered under the Pharmacy Act (Ireland), 1868, or any Act amending the same; and it shall not be lawful to sell any intoxicating liquors for medicinal use unless the bottle or other vessel in which such intoxicating liquor is contained be distinctly labelled with the words "intoxicating liquors," and the name and address of the seller; and any person selling intoxicating liquor for medicinal use otherwise than is herein provided shall be liable to a penalty not exceeding *five pounds*, or to imprisonment with or without hard labour for a term not exceeding *one month*, for the first offence; and to a penalty not exceeding *ten pounds*, or to imprisonment with or without hard labour for a term not exceeding *two months*, for the second or any subsequent offence; and for the purposes of this Act the person on whose behalf any sale is made by any apprentice or servant shall be deemed to be the seller.

Second resolution. Reduction of licences.

9. If the second resolution be adopted in any town, division, or district, it shall be the duty of the licensing authority for such town, division, or district, at his or their next general meeting for granting and renewing certificates, to restrict the total number of

A.D. 1894.

certificates granted or renewed by them to or within the number specified in the resolution.

Third resolution. Prohibition against new licences.

10. If the third resolution be adopted in any town, division, or district, it shall not be lawful for the licensing authority for such town, division, or district, after receiving intimation thereof, to grant a certificate to any person in said town, division, or district for the sale of intoxicating liquors in any house or premises unless at the time of the adoption of such resolution a licence was current and in force for the sale of intoxicating liquors in such house or premises, and any certificate granted in contravention of this section shall be null and void.

When a poll may be again taken.

11. In any town, division, or district (1) If the first resolution be adopted, a poll may be again demanded in manner provided by this Act, but not for *five years* after the date of such adoption, and in such case a poll shall be taken on the first resolution only.

(2.) If the second resolution be adopted, a poll may be again demanded on all the said resolutions, but not for *two years* after the last poll has been taken.

(3.) If the third resolution be adopted, no further polls shall be competent on that resolution, but in that case a poll may be again demanded on the first and second resolutions, but not for *two years* after the last poll has been taken.

(4.) If all the resolutions be rejected a poll may be again demanded in manner provided by this Act, but not for *two years* after the last poll has been taken.

Expenses.

12. Where a poll has been taken, then, if any resolution under this Act be adopted, or if the first resolution be rejected, the expenses of the proceedings shall be defrayed in counties out of the grand jury cess, and in towns out of the general purposes rates or town rates of such town.

Prosecution of offences.

13. When any resolution under this Act has been adopted in any town, division, or district, it shall be competent for any voter in such town, division, or district to prosecute for offences under this Act.

Title of Act.

14. This Act may for all purposes be cited as the Liquor Traffic (Local Veto) (Ireland) Act, 1894, and shall apply to Ireland only.

SCHEDULE.

Part I.

Form of Ballot Paper.

Counterfoil No.	Resolutions.	For.	Against.
	I. Prohibition.		
	II. Reduction.		
	III. No new licences.		

Note.—The counterfoil is to have a number to correspond with a number on the back of the ballot paper.

Part II.

Form of Directions for the Guidance of the Voter in voting, which shall be printed in conspicuous Characters, and placarded outside every Polling Station and in every Compartment of every Polling Station.

The voter may vote for or against each of the three resolutions.

The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross opposite each resolution either in the column headed "For" or in the column headed "Against," thus ×

The voter will then fold up the ballot paper so as to show the official mark on the back, and, leaving the compartment, will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

If the voter votes more than once for any resolution, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be guilty of a misdemeanor, and be subject to imprisonment for any term not exceeding six months, with or without hard labour.

Note.—These directions shall be illustrated by examples of the ballot paper.

Intoxicating Liquors Local Veto (Ireland).

A

BILL

To enable the Ratepayers of any locality to veto the issue of Licences for the sale of Intoxicating Liquors in Ireland.

(*Prepared and brought in by Mr. William Johnston, Mr. Jordan, Lord Arthur Hill, Mr. Pinkerton, Mr. T. W. Russell, Mr. Diamond, and Mr. Wolff.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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[*Price* 1*d.*]

[Bill 51.]

Irish Education.

MEMORANDUM.

The objects of this Bill are to remove certain difficulties which have arisen in the administration of the Irish Education Act, 1892, and also to make further provision with reference to the expenses of carrying the Act into execution.

Clause 1 of the Bill proposes to amend section 3 of the Act in the following particulars—

Section 3 (1) of the Act provides that in every place to which the Act applies not less than half of every school attendance committee shall (where such persons are available) be managers or patrons of schools in the place. To avoid giving disproportionate representation on the committee to particular religious denominations, the Bill proposes to leave discretionary with the local authorities and Commissioners of Education respectively the appointment of patrons or managers of schools as members of the attendance committees. It also validates appointments already made where the strict proportion required by the Act has not been observed.

The regulations authorised by the same sub-section of the Act to be made by the local authorities, have been found to be inadequate, and accordingly the Bill provides that the regulations to be made under the sub-section may embrace any provisions deemed expedient for carrying the Act into execution.

The other provisions contained in clause 1 of the Bill are intended to remove certain doubts which have arisen upon the meaning of section 3 of the Act.

The object of clause 2 of the Bill is to provide in the following manner with reference to the expenses of carrying the Act into execution, including expenses which may be incurred by the Commissioners of Education :—

(1.) To make it clear that in places where there is more than one local rate or fund applicable, the local authority have the option as to which rate or fund they may apply for the expenses of the Act.

(2.) To enable a separate rate to be made for the aforesaid expenses where advisable.

(3.) To make provision for the keeping and auditing of separate accounts of the aforesaid expenses.

(4.) To make provision for the compulsory payment of the aforesaid expenses.

Clause 3 provides for the settlement of questions which may arise as to the conduct of the proceedings of attendance committees.

A

B I L L

TO

Amend and explain the Irish Education Act, 1892. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of 55 & 56 Vict. c. 42. s. 3 as to Attendance Committees.

1.—(1.) Notwithstanding anything contained in sub-section one of section three of the Irish Education Act, 1892 (in this Act referred to as the principal Act), it shall be and shall be deemed to have always been discretionary with the local authority and the Commissioners of National Education in Ireland (in this Act referred to as the Commissioners) respectively to appoint managers or patrons of schools in the place to be members of the school attendance committee if they respectively think fit and not otherwise.

(2.) The regulations to be made under the said sub-section by the local authority may embrace any provisions deemed expedient for carrying the principal Act into execution by that authority.

(3.) If any member of a school attendance committee dies or resigns, or from any other cause ceases to be a member of the committee, the vacancy, if it occurs amongst the members appointed by the local authority, shall be filled without delay by the local authority, and if it occurs amongst the members appointed by the Commissioners shall be filled without delay by the Commissioners, and every member so appointed shall continue in office so long only as the person in whose place he was appointed would have been entitled to continue in office had such vacancy not occurred.

(4.) The local authority may, if they think fit, with the assent of the Commissioners, enlarge a school attendance committee to eight or ten members.

(5.) If a school attendance committee is enlarged, the term of office of every additional member shall expire with the term of office of the members of the committee appointed before the enlargement.

A.D. 1894.

(6.) The term of office of every attendance committee shall date from the *first day of January eighteen hundred and ninety-four*, and from the *first day of January* in every subsequent *fourth* year.

Provision for expenses.

2.—(1.) The expenses mentioned in sub-section five of section three of the principal Act, and any further expenses incurred in or incidental to carrying the principal Act and this Act into execution, shall be defrayed by the local authority out of any consolidated or other rate assessed for general municipal purposes, or any borough rate or fund, or town or township rate or fund, and the expression "local rate" in the said sub-section shall include any such rate or fund, or those expenses may be raised by means of a separate rate to be assessed and recovered in like manner as any such consolidated or other rate (which separate rate the local authority are hereby empowered to levy), or out of the income of any real or personal property vested in the local authority, and applicable to general purposes of improvement in their district as the local authority may direct.

(2.) Every such rate or fund shall be levied throughout the whole of the district of the local authority.

(3.) Distinct accounts shall be kept of all receipts, payments, and liabilities of the local authority, with reference to expenses incurred in the execution of the principal Act or this Act, and the accounts of such expenses shall be audited and dealt with in manner provided by the Local Government (Ireland) Act, 1871, and the Acts amending the same.

4 & 35 Vict. c. 109.

(4.) The Commissioners and the school attendance committee respectively shall certify to the local authority, in a form to be settled by the Commissioners, the expenses properly incurred by them respectively, and the local authority shall, upon the receipt of such certificate of the Commissioners or of the attendance committee as the case may be, pay the expenses so incurred and specified in the certificate.

Provision for settlement of questions.

3. If any question as to the conduct of the proceedings of a school attendance committee arises between the local authority and the attendance committee, or between the members of the attendance committee, the same shall be referred to the decision of the Commissioners, and their decision shall be final.

Short title and extent of Act.

4. This Act may be cited as the Irish Education Act, 1894, and shall extend to Ireland only.

Irish Education.

A

B I L L

To amend and explain the Irish Education Act, 1892.

(*Prepared and brought in by Mr. John Morley and Sir John Hibbert.*)

Ordered, by The House of Commons, *to be Printed,* 24 *May* 1894.

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HODGES, FIGGIS, & CO., LIMITED, 104, Grafton Street, Dublin.

[*Price* 1*d.*]

[Bill 247.]

A

B I L L

TO

Amend the Irish Education Act, 1892.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act shall be cited as the Irish Education Amendment Act, 1894.

Definition.

2. The term "the principal Act" means the Irish Education Act, 1892.

Extension of provisions of principal Act to other places.

3. Sections one to fourteen inclusive of the principal Act shall apply to every place, notwithstanding that such place may not be a municipal borough or a town or township under commissioners, and where the place may not be a municipal borough or a town or township under commissioners the guardians of the Poor Law Union within which the place is situate shall be the local authority of the place prescribed for the purposes of the principal Act.

Repeal.

4. Sub-section (2) of section fifteen of the said Act shall be and the same is hereby repealed.

Commencement of Act.

5. This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-five*, except that a school attendance committee may be appointed, and regulations for its guidance may be framed at any time after the *passing of this Act*.

Extent of Act.

6. This Act shall extend to Ireland only.

Irish Education Act (1892) Amendment.

A

B I L L

To amend the Irish Education Act, 1892.

(Prepared and brought in by Mr. Field, Dr. Kenny, Mr. John Redmond, and Mr. Clancy.)

Ordered, by The House of Commons, *to be Printed*, 20 *March* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 107.]

A

B I L L

TO

Enable the Registrar of Joint Stock Companies to remove the names of Companies from the Register in certain cases. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Companies (Register) Act, 1894. This Act and the Companies Acts, 1862 to 1890, may be cited together as the Companies Acts, 1862 to 1894.

Case of companies with no remaining assets.

2.—(1.) Where, in the course of winding up any company, the Registrar of Joint Stock Companies shall be satisfied by affidavit of the liquidator or otherwise either—

(*a.*) That the assets of such company have all been collected, realised, and distributed, and that accounts showing such realisation and distribution have been duly passed; or

(*b.*) That there is no reasonable prospect of collecting, realising, and distributing any assets, or any further assets of such company,

he shall, on the application of the liquidator, give him a certificate under his hand to that effect; and, thenceforward, the liquidator shall be exempt from any obligation to make, in respect of such company, any statement or return to the Registrar or to the Board of Trade under the Companies Acts, 1862 to 1890, or under any rules or orders made under the authority of those Acts. Provided that if it shall be proved to the satisfaction of the Registrar that such certificate was obtained by fraud, misrepresentation, or suppression of material facts, he may, by writing under his hand, revoke such certificate, and thereupon the same shall become void and of no effect.

A.D. 1894.

(2.) Where the Registrar has given any such certificate as aforesaid, he may, if he sees fit, unless he has revoked the certificate, strike the name of the company off the register, and the company whose name is so struck off shall thereupon be dissolved.

Case of companies without acting liquidator.

3.—(1.) Where the Registrar has reasonable cause to believe that the liquidator of a company has ceased to act in the winding-up of such company, and that the winding-up of the company may be closed and the company be dissolved without prejudicially affecting the interests of creditors or contributories, he shall publish in the Gazette and send by post to the liquidator at his last known address a notice to the effect that at the expiration of *three months* from the date of the notice, the name of the company will, unless cause be shown to the contrary, be struck off the register, and the company will be dissolved.

(2.) At the expiration of the time mentioned in the notice, the Registrar may, unless cause to the contrary is previously shown by such company or by the liquidator or by some creditor or shareholder of the company, strike the name of such company off the register, and shall publish notice thereof in the Gazette, and on such publication the company shall be dissolved. Provided that the liability (if any) of every promoter, director, managing officer, and member of the company shall continue and may be enforced as if the company had not been dissolved.

(3.) In the execution of his duties under this section the Registrar shall conform to any regulations from time to time made by the Board of Trade.

(4.) In this section the Gazette means, as respects companies whose registered office is in England, the London Gazette; as respects companies whose registered office is in Scotland, the Edinburgh Gazette; and as respects companies whose registered office is in Ireland, the Dublin Gazette.

Restoration to register of name of company in certain events.

4. If it should be discovered, after the name of a company has been struck off the register under this Act, that there are assets of the company which have not been realised and distributed, the High Court may, on the application of a creditor or shareholder of the company or of the Registrar, order the name of the company to be restored to the register, and thereupon the company shall be deemed to have continued in existence as if the name thereof had never been struck off, and the Court may by the order give such directions and make such provisions as seem just for placing the company and all other persons in the same position as

nearly as may be as if the name of the company had never been struck off the register. A.D. 1894.

5. Nothing in this Act shall relieve any liquidator from liability for any wilful breach of any duty imposed on him as such by any of the Companies Acts. Saving.

Joint Stock Companies Register.

A

B I L L

To enable the Registrar of Joint Stock Companies to remove the names of Companies from the Register in certain cases.

(*Prepared and brought in by Mr. Clough and Mr. Kimber.*)

Ordered, by The House of Commons, *to be Printed*, 19 *March* 1894.

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[*Price* $\frac{1}{2}d$.]

[Bill 94.]

A

B I L L

To amend the Juries (Ireland) Acts. A.D. 1894.

WHEREAS doubts have arisen as to the necessity of summoning special jurors at assizes in Ireland pursuant to the directions in the precept issued by Her Majesty's Judges of Assize in cases in which no notice has been given to the sheriff that such action is to be tried by a special jury.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Special jury not to be summoned if sheriff does not receive notice.

1. From and after the *passing of this Act* in case no notice shall have been received within the prescribed time by the sheriff of any assize county or county of a city in Ireland of the trial of an action or issue by a special jury, no special jury shall be summoned or need attend such assizes.

Definitions.

2. Notice shall include order of the superior courts. Issue shall include all civil issues.

Saving.

3. Nothing herein shall be deemed to exempt any special juror summoned for any other purpose than the trial of civil actions.

Short title.

4. This Act shall be cited as the Jurors (Ireland) Amendment Act, 1894.

[Bill 350.]

Juries (Ireland) Acts Amendment.

A

B I L L

To amend the Juries (Ireland) Acts.

(*Prepared and brought in by*
Mr. Ross, Mr. John Redmond, Mr. T. W. Russell, Mr. T. M. Healy, and Mr. Dane.)

Ordered, by The House of Commons, *to be Printed,*
7 *August* 1894.

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[*Price* ½*d.*]

[Bill 350.]

Jury Law Amendment Bill.

MEMORANDUM.

The chief object of this Bill is to provide for the payment of common jurors. It gives merchants and professional men 15*s.*, shopkeepers and farmers 7*s.* 6*d.*, artisans 6*s.*, and labourers 4*s.* a day with their travelling expenses. One half of these allowances is to be paid by the county or borough, the other half by the Treasury. In civil actions the presiding judge may order payment by either party. It extends the qualification of common jurors by making every man who is on the Parliamentary register or local government register qualified and liable to serve as a common juror. It makes the standard qualification of special jurors a definite standard on the lines laid down in the Bill brought in by the Lord Chief Justice in 1874. It provides that no indictment or information shall be tried by a special jury unless with the consent or on the application of the person or persons charged. And it also provides that no civil action shall be tried by a special jury except with the consent of all the parties.

A

B I L L

TO

Amend the Law relating to Juries and to provide for the payment of Jurymen. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act shall be cited for all purposes as the Juries Act, 1894.

Repeal of inconsistent parts of preceding Acts.

2. This Act shall be construed as one with the County Juries Act, 1825, and any Act amending the same, and such parts of the said Acts or of any other Act or Acts as are inconsistent with this Act are hereby repealed.

Qualification of common jurors.

3. Every man except as herein-after excepted who is of the age of twenty-one years or upwards, who is registered as an elector either in the Parliamentary register of electors or in the local government register of electors for a county of England or Wales, shall be qualified and liable to serve as a common juror for that county.

Qualification of special jurors.

4. Every man who is of the age of twenty-one years or upwards, residing in any county of England or Wales, shall be qualified and liable to serve as a special or common juror for that county if he possesses the following qualifications :—

If, being a householder, he is assessed to the poor rate or to the inhabited house duty to a yearly value of not less than *one hundred pounds* on his private dwelling-house.

If at the time of the revision of the jury list for the parish in which he resides, he is in the occupation of any dwelling-house or part of any house, which house or part of a house is of the net yearly value, let unfurnished, of *eighty pounds* or upwards.

A.D. 1894.

If he occupies for the purpose of carrying on business, either alone or in partnership, any premises or part of any premises, other than a farm, of the net annual value of not less than *two hundred pounds*, or, where he occupies part only of such premises, if he pays an annual rent of not less than *one hundred and fifty pounds;* or

If he is the managing director or manager of any company which occupies such premises.

If he occupies a farm rated or assessed as aforesaid on a yearly value of not less than *two hundred pounds.*

Rotation in service.

5. Every sheriff shall summon all jurors alphabetically in regular rotation, so that the burden of service on juries may be distributed in as fair and impartial a manner as may be among the whole body of men liable to serve, and so that no man shall be summoned more than once in one year if another who has not so served is available. For this purpose he shall enter or cause to be entered in the jurors book which he shall have in his custody, against the name of every man whom he shall summon to serve on any jury, the date of such summons and the court where such juror shall be required to attend.

All jurors to be summoned by the sheriff only.

6. In order that the burden of service on juries may be impartially distributed among the whole body of men who are able to serve, and that no person may be summoned to more than one court at the same time, all jurors shall be summoned by the sheriff only, who shall take from the jurors book for the current year a sufficient number of names of such jurors as shall stand first for service in such book and shall be liable to serve at the court when such jurors are required.

Sheriff to give full information to jurors.

7. The sheriff by whom a summons to any juror is issued shall give full information as to the place, terms, and period of his attendance.

No summons to be sent otherwise than by post.

8. Every jury summons shall be sent open by post, prepaid and directed to the man so required to serve, at his place of abode as described in the jurors book, and shall be registered on production by the person posting the same of a duplicate summons, which the postmaster shall stamp on payment of the registration fee. The production by the person posting such summons of such stamped duplicate shall be evidence that the summons has been duly delivered, unless the same was returned by the post as undelivered.

Sheriff's costs of summoning.

9. *The costs incurred by any sheriff in summoning juries by post under this Act shall be allowed by the Commissioners of Her Majesty's Treasury.*

A.D. 1894.

Payment of common jurors.

10. Every juror who attends any court in obedience to a summons to serve on a common jury shall, for every whole day during which he is either going to, attending at, or returning from such court, receive the following payments :—

	£	s.	d.
If he is on the special jury list - -	0	15	0
If he is a shopkeeper or farmer - -	0	7	6
If he is an artisan - - - -	0	6	0
If he is a labourer - - - -	0	4	0

He shall receive *one half* of such allowance for every fraction of a day on which he is away from home.

He shall receive as travelling expenses second-class fare for such part of the journey as is travelled by rail, and *twopence* a mile each way for such part as cannot be travelled by rail.

How payment to be made.

11. The order for payment of these allowances shall be made by the proper officer of the court, and the money shall be paid by the treasurer for the county, riding, division, or borough in which the court shall be held, who is hereby authorised and required forthwith to pay the same to the person named therein, or to any person duly authorised to receive the same on his behalf. *One moiety of such payments shall be reimbursed by the Commissioners of Her Majesty's Treasury.*

Judge may order allowance to be paid by either party in civil action.

12. In every case where a civil action is tried before a common jury the presiding judge may order that the allowance to the jury shall be paid by either of the parties to the action.

No indictment or information to be tried by special jury without consent of person charged.

13. No indictment or information shall be tried by a special jury unless with the consent or on the application of the person or persons charged.

No civil action to be tried by special jury except with consent of all parties.

14. No civil action shall be tried by a special jury except by consent in writing of all parties thereto or their solicitors. Notice that such consent has been obtained shall be given not later than two days after the entry of the cause for trial.

Jury Law Amendment.

A

B I L L

To amend the Law relating to Juries and to provide for the payment of Jurymen.

(*Prepared and brought in by Mr. Arthur Williams, Mr. Coleridge, Mr. Lloyd Morgan, and Mr. Havelock Wilson.*)

Ordered, by The House of Commons, *to be Printed*, 21 *March* 1894.

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[Bill 120.]

A

B I L L

TO

Better define the Jurisdiction and to improve the Procedure of the Court of Record in the Town and County of the Town of Kingston-upon-Hull. A.D. 1894.

WHEREAS the Court of Record in the town and county of the town of Kingston-upon-Hull is an ancient Court of Record for the trial of civil actions, and the usefulness of the court to suitors would be increased if its jurisdiction were better defined and if the procedure of the High Court were made applicable to it, and other amendments made:

Be it therefore enacted by [the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Kingston-upon-Hull Court of Record Act, 1894.

As to jurisdiction of court.

2. An action may be commenced and determined in the Court of Record when the defendant or one of the defendants resides or carries on business at the time of commencing the action within the jurisdiction of the court; and an action may also be commenced and determined in the court by leave of the judge or registrar when the whole or any part of the cause of action has arisen within the jurisdiction of the court.

Provided that, except where the whole cause of action has arisen within the jurisdiction of the court, no action whereof the county court has cognizance and in which the debt, demand, or damage claimed does not exceed *twenty pounds*, shall be commenced in the Court of Record.

Cases where judge of High Court may order

3. Where in any action of contract which is brought in the High Court and which might have been brought in the Court of Record the claim endorsed on the writ does not exceed *one*

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action of contract to be tried in Court of Record.

hundred pounds, or where the claim in any such action, though it originally exceeded one hundred pounds, is reduced by payment, an admitted set-off or otherwise, to a sum not exceeding *one hundred pounds*, it shall be lawful for either party to the action at any time, if the whole or part of the demand of the plaintiff be contested, to apply to a judge of the High Court at chambers to order such action to be tried in the Court of Record; and on the hearing of the application the judge may, without prejudice to the power of the judge, under section sixty-five of the County Courts Act, 1888, order such action to be tried accordingly; and thereupon the plaintiff shall lodge the original writ, pleadings (if any), and the order with the registrar of the Court of Record; and the action and all proceedings therein shall be tried and taken as if the action had been originally commenced in the Court of Record, and the costs of the parties in respect of proceedings subsequent to the order of the judge of the High Court shall be allowed according to the scale of costs for the time being in use in the Court of Record, not exceeding such costs as would have been allowed or be payable if the action had been remitted to and tried in the county court, and the costs of the order and all proceedings previously thereto shall be allowed according to the scale of costs for the time being in use in the Supreme Court.

51 & 52 Vict. c. 43.

Actions of tort in High Court may in certain cases be remitted to Court of Record.

4. It shall be lawful for any person against whom an action of tort which might have been brought in the Court of Record is brought in the High Court to make an affidavit that the plaintiff has no visible means of paying the costs of the defendant should a verdict be not found for the plaintiff, and thereupon a judge of the High Court shall have power to make an order that unless the plaintiff shall within a time to be therein mentioned give full security for the defendant's costs to the satisfaction of one of the masters of the Supreme Court, or satisfy a judge of the High Court that he has a cause of action fit to be prosecuted in the High Court, all proceedings in the action shall be stayed, or, in the event of the plaintiff being unable or unwilling to give such security, or failing to satisfy a judge as aforesaid, without prejudice to the power of the judge, under section sixty-six of the County Courts Act, 1888, that the action be remitted for trial to the Court of Record; and thereupon the plaintiff shall lodge the original writ, pleadings (if any), and the order with the registrar of such court; and the action and all proceedings therein shall be tried and taken as if

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the action had originally been commenced in the Court of Record, and the costs of the parties in respect of the proceedings subsequent to the order of the judge of the High Court shall be allowed according to the scale of costs for the time being in use in the Court of Record, not exceeding such costs as would have been allowed or be payable if the action had been remitted to and tried in the county court, and the costs of the order and all proceedings previously thereto shall be allowed according to the scale of costs for the time being in use in the Supreme Court.

Equity and Admiralty.

5. The Court of Record shall, within the limits of the jurisdiction thereof for the time being, have the jurisdiction now vested in or capable of being exercised by—

(1.) the High Court of Chancery as a common law court as well as a court of equity; and

(2.) the High Court of Admiralty; including the jurisdiction which is now vested in or capable of being exercised by any of the judges of the said courts respectively sitting in court or chambers, and also all ministerial powers, duties, and authorities incident to any and every part of the jurisdiction so given.

Application of Supreme Court of Judicature Act.

6. Section twenty-four of the Supreme Court of Judicature Act, 1873, shall apply to the said Court of Record and to the judge thereof as if the said Court of Record and the judge thereof were one of the courts and judges referred to therein.

Where action may be removed on security given.

7. It shall be lawful for the High Court or a judge thereof to order the removal into the High Court by writ of certiorari or otherwise of any action or matter commenced in the Court of Record if the High Court or a judge thereof shall deem it desirable that the action or matter shall be tried in the High Court, and upon such terms as to payment of costs, giving security, or otherwise as the High Court or a judge thereof shall think fit to impose.

Presiding judge of court.

8. The recorder of the town and county of the town of Kingston-upon-Hull for the time being shall be the judge of the Court of Record, and he shall have and may exercise all powers, authorities, and jurisdictions belonging or which but for this Act would have belonged to the Court of Record; and he shall have the same power, jurisdiction, and authority in regard to causes in the Court of Record (subject to rules of court) as is possessed by a judge of the High Court in similar matters sitting in chambers or at nisi prius.

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Powers of registrar.

9. The registrar of the Court of Record, whether the town clerk or not, shall be appointed by the council, and shall be a solicitor of the Supréme Court of Judicature of not less than five years practice, and he shall, in dealing with actions or with matters and proceedings in an action, have (subject to rules of court) all the powers which a registrar, district registrar, master, taxing officer, or associate of the High Court has or would have in the same matter if the same were proceeding in the High Court.

Deputy judge.

10. It shall be lawful for the judge of the Court of Record from time to time, but in each case with the approval of the Secretary of State, to appoint a deputy. The deputyjudge shall be a barrister of not less than *five* years standing, and all acts authorised or required to be done by, to, or before the judge of the Court of Record, may be done by, to, or before any deputy so appointed, provided always that in no case shall such appointment be made for a period exceeding three months.

Deputy registrar.

11. It shall be lawful for the registrar of the Court of Record from time to time, but in each case with the approval of the town council of Kingston-upon-Hull, to appoint a deputy, who shall be a solicitor of the Supreme Court of Judicature of not less than five years practice, and all acts authorised or required to be done by, to, or before the registrar of the Court of Record may be done by, to, or before any deputy so appointed. The deputy registrar may be removed at any time by the registrar.

Service of writs, &c.

12. Any writ, order, summons, or process issuing out of, or made or taken in, the Court of Record may be served in any part of England or Wales.

Attendance of persons served with writs.

13. The service of every writ of subpœna to attend and give evidence or subpœna duces tecum hereafter to be issued out of the Court of Record, and served upon any person out of the jurisdiction thereof, shall be as valid and effective for compelling the attendance of such person at any time and place to be named in such writ of subpœna, to be there examined, either before the registrar of the Court of Record, as well in his capacity of examiner as in that of master of the Court of Record, or before commissioners under any commission to be issued by the Court of Record for the examination of witnesses, or to be examined vivâ voce at the hearing of any matter or action before the Court of Record or before the registrar, or for compelling the attendance of such person by virtue of any writ of subpœna duces tecum, and shall entitle the party suing out the same to all the like

remedies by action or otherwise as if the same had been served within the jurisdiction of the Court of Record, and in case the person so served shall not attend according to the exigency of such writ, it shall be lawful for the Court of Record, upon affidavit of the personal service of such writ, to transmit a certificate of such default, under the hand of the registrar of the Court of Record, to the Queen's Bench Division of the High Court of Justice in England, to the Court of Justiciary in Scotland, or to the Queen's Bench Division of the High Court of Justice in Ireland, and the said last-mentioned courts respectively shall and may thereupon proceed against and punish by attachment or otherwise, according to the course and practice of the said respective courts, the person so having made default in such and the like manner as they might have done if such person had refused or neglected to appear in obedience to a writ of subpœna or other process issued to compel the attendance of witnesses out of such last-mentioned courts respectively. Provided always that the said last-mentioned courts respectively shall not in any case proceed against or punish any person, nor shall any such person be liable to any action for having made default by not appearing in obedience to any writ of subpœna or writ of subpœna duces tecum, or other process for that purpose issued under the authority of this Act, unless it be made to appear to such courts respectively that a reasonable and sufficient sum of money to defray the expense of coming and attending to give evidence, and of returning from giving such evidence, had been tendered to such person at the time when such writ of subpœna or writ of subpœna duces tecum or other process was served upon him.

Procedure where party withdraws from jurisdiction of court.

14. Whenever a party to an action or proceeding in which a judgment or order shall have been made by the Court of Record shall reside or withdraw his person or goods out of the jurisdiction of the Court of Record, and also whenever any judgment or order of the Court of Record cannot be fully enforced by reason of the non-residence of any party to be bound thereby within the jurisdiction of the Court of Record, then it shall be lawful for Her Majesty's High Court of Justice, or any judge thereof, either in court or sitting in chambers, upon the application of any person entitled to the benefit of the judgment or order, and upon the production of a transcript of the judgment or order, or such part thereof respectively as cannot be enforced for the reasons aforesaid, under signature of the registrar of the Court of Record, and an affidavit that by reason of such non-residence or

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withdrawal as aforesaid, the judgment or order, or such part thereof as aforesaid, cannot be enforced, to make the judgment or order, or so much thereof respectively as cannot be enforced for any of the reasons aforesaid, a judgment or order of the High Court of Justice; and thereupon the judgment or order, or such part thereof respectively as aforesaid, may be enforced against such of the parties bound by the same as shall be within the jurisdiction of the said High Court, and all proceedings shall and may be had thereupon as if such judgment or order had been originally made by the said High Court, and all the reasonable costs and charges of and consequent upon the application may be recovered in like manner as if the same were part of the judgment or order. The provisions of this section shall extend and apply to judgments and orders made by the Court of Appeal in appeals from the judgments and orders made by the Court of Record.

Application of practice and procedure of High Court.

15. It shall be lawful for the said recorder by order under his hand, made with the concurrence of the authority for the time being empowered to make rules for the Supreme Court, to adopt and apply to the Court of Record all or any of the Rules of the Supreme Court, 1883 and 1893, or any other rules and orders for the time being in force which regulate the practice and procedure of the High Court, with such modifications (if any) as the judge or the authority aforesaid think fit, and from and after the coming into operation of such order all existing enactments or rules inconsistent therewith shall be repealed so far as relates to the Court of Record. No order made under this section with such concurrence as aforesaid shall be held invalid by reason of its extending or otherwise affecting the jurisdiction of the Court of Record or of the judge or registrar or other officer thereof.

Appeal from registrar to judge.

16. All orders made and decisions and directions given by the registrar of the court shall be subject to appeal to the judge.

Hearing out of jurisdiction.

17. It shall be lawful for the judge of the Court of Record, when out of the limits of the jurisdiction of the Court of Record, to hear and determine all appeals from orders made and decisions and directions given by the registrar of the Court of Record, and also all applications, motions, petitions, summonses, and other matters in any action or business pending in the Court of Record which may require to be immediately or promptly heard; and also to reserve judgment on the trial of actions and other matters heard within or out of the limits of the jurisdiction of the Court of Record, and to give judgment and make orders in such actions,

motions, petitions, and matters when out of the limits of the jurisdiction of the Court of Record, and all orders, directions, and judgments so made and given by him in respect of the matters aforesaid shall be as valid and binding upon the parties as if the same had been made and given within the limits of the jurisdiction of the Court of Record.

Appeal from judge of court.

18. An appeal shall be allowed upon the trial of any issue in the Court of Record in every case where an appeal would be allowed on a trial at nisi prius and subject to the same rules, regulations, and provisions.

Remuneration of recorder and judge.

19. The recorder of the town and county of the town of Kingston-upon-Hull, in respect of the office of recorder, and also as judge of the Court of Record, shall be paid out of the borough fund such remuneration as shall be fixed by resolution of the council of the said town and county, and such remuneration shall be paid by equal quarterly payments. Provided, nevertheless, that it shall be lawful for the said council, and also for the recorder to apply from time to time to the Secretary of State to re-adjust such remuneration, either by increasing or by diminishing the amount thereof, having regard to the amount of work to be done, and the time and expense properly incurred and occupied in and about the business of the said court, and the remuneration so adjusted shall be payable and be paid out of the borough fund at the same times and in the same manner in all respects as if it had been fixed by resolution of the council.

Kingston-upon-Hull (Court of Record).

A

B I L L

To better define the Jurisdiction and to improve the Procedure of the Court of Record in the Town and County of the Town of Kingston-upon-Hull.

(*Prepared and brought in by Sir Albert Rollit, Mr. Charles Wilson, Sir Seymour King, Mr. Clarence Smith, Commander Bethell, and Mr. Wilson-Todd.*)

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[Bill 113.]

A

B I L L

TO

Amend the Labourers (Ireland) Acts so as to include Fishermen. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Labourers (Fishermen) (Ireland) Act, 1894.

Construction.

2. This Act shall be construed as one with the Labourers (Ireland) Acts, 1883 to 1892, and this Act and the said Acts may be cited as the Labourers (Ireland) Acts, 1883 to 1894.

Extension to fishermen of existing Acts.

3. The Labourers (Ireland) Acts, 1883 to 1892, are hereby extended and shall apply to fishermen.

Financial provision.

4. No scheme under the said Acts, as extended by this Act, shall be authorised by the Local Government Board for Ireland unless they have satisfied themselves that the financial circumstances of the sanitary district affected by the scheme are such that the scheme can be carried out without unduly burdening the rates leviable in that district.

Labourers (Ireland) Acts (Extension to Fishermen).

A

B I L L

To amend the Labourers (Ireland) Acts so as to include Fishermen.

(*Prepared and brought in by Sir Thomas Esmonde, Mr. Donal Sullivan, and Mr. Webb.*)

Ordered, by The House of Commons, *to be Printed,* 13 *July* 1894.

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[Bill 313.]

Labour Minister Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Establishment of Ministry of Labour.
2. Powers and duties of Ministry.
3. Power to transfer other powers of Government departments.
4. Staff and remuneration and expenses.
5. Style and seal of Ministry.
6. Proceedings of Ministry.
7. Power of President to sit in Parliament.
8. Transfer of officers.
9. Construction of Acts and documents.
10. Definition.
11. Short title.

SCHEDULE.

A

B I L L

TO

Establish a Ministry of Labour, to be presided over by a Minister to be called the Labour Minister. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Establishment of Ministry of Labour.

1.—(1.) There shall be established a Ministry of Labour consisting of the Lord President of the Council, Her Majesty's Principal Secretaries of State, the First Commissioner of Her Majesty's Treasury, the Chancellor of Her Majesty's Exchequer, the Chancellor of the Duchy of Lancaster, and the Secretary for Scotland, and such other persons (if any) as Her Majesty the Queen may from time to time think fit to appoint during Her Majesty's pleasure: Provided that the Ministry shall not be entitled to act unless the President or one of the officers of State above mentioned is present.

(2.) It shall be lawful for Her Majesty the Queen from time to time to appoint any member of the Privy Council to be President of the Ministry during Her Majesty's pleasure.

(3.) The Ministry shall be deemed to be established on the appointment of the President thereof.

Powers and duties of Ministry.

2.—(1.) There shall be transferred to the Ministry of Labour—

(*a*) the powers and duties vested in Her Majesty's Secretary of State for the Home Department for the regulation and administration of the laws relating to mines and factories and the appointment of inspectors under the Acts mentioned in Part I. of the schedule of this Act;

(*b*) the powers and duties vested in the Lords Commissioners of Her Majesty's Treasury relating to friendly societies and aids to thrift and providence among the industrial classes in all Acts mentioned in Part II. of the schedule of this Act.

A.D. 1894.

(2.) The Ministry of Labour shall also undertake the collection and preparation of useful information and statistical details of subjects connected with labour in the most general and comprehensive sense of the word, in relation to the industrial, commercial, social, educational, and sanitary conditions of the industrial classes, and specially to capital, the hours and conditions of labour, the earnings of labouring men and women, with the view of promoting their material, intellectual, and moral prosperity.

(3.) The Ministry of Labour is also specially charged to investigate the causes of, and facts relating to, controversies and disputes between employers and employees as they may occur, and which may tend to interfere with or affect the welfare of the community, and report thereon to Parliament.

(4.) The Ministry of Labour shall also constitute a National Arbitration Board, to which all controversies and disputes between employers and employees may, by the mutual consent of the parties interested, be referred for arbitrament under rules and regulations to be made by the Ministry.

(5.) The Ministry of Labour shall also make, or aid in making, such inquiries, and collect or aid in collecting such information as the Ministry may deem important in relation to emigration and also foreign pauper immigration, and the bearing of the latter on the conditions and circumstances of the native labour market.

(6.) The Ministry of Labour may also make, or aid in making, inquiries, and collect, or aid in collecting, information relating to State assisted old age pensions for the industrial classes, and report thereon to Parliament.

(7.) The Ministry of Labour shall also establish a system of reports by which, at intervals of not less than *two years*, the general conditions of production and other important conditions relating to the leading industries of the country may be learnt.

(8.) The Ministry of Labour shall also obtain from other countries such information upon the various subjects committed to it as the Ministry may deem desirable.

(9.) The Ministry of Labour may undertake the inspection of and reporting upon any schools which are not public elementary schools, and in which technical instruction, practical or scientific, is given in any matter connected with industrial subjects, and the aiding of any such school which admits such inspection, and in the judgment of the Ministry is qualified to receive such aid, and

the aiding of any system of lectures connected with industrial subjects, and the inspection of and reporting on any examination in such subjects. A.D. 1894.

Power to transfer other powers of Government departments.

3. It shall be lawful for Her Majesty the Queen in Council from time to time by order to transfer to the Ministry of Labour such powers and duties of any Government department as are conferred by or in pursuance of any statute, and appear to Her Majesty to relate to labour or industrial matters, and to be of an administrative character:

Provided that before any such order is made, the draft thereof shall be laid before each House of Parliament for not less than *thirty days* on which such House is sitting, and if either of such Houses before the expiration of such thirty days presents an address to Her Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft order.

Staff and remuneration and expenses.

4.—(1.) The Ministry of Labour may from time to time appoint a secretary and such officers and servants as the Ministry may, with the sanction of the Treasury, determine.

(2.) *There shall be paid out of money provided by Parliament to the President, if not one of the Officers of State above mentioned, nor any other Officer of State receiving a salary, and to the secretary, officers, and servants of the Board, such salaries or remuneration as the Treasury may from time to time determine.*

(3.) *All expenses incurred by the Ministry of Labour in the execution of their duties under this Act, to such amount as may be sanctioned by the Treasury, shall be paid out of money provided by Parliament.*

Style and seal of Ministry.

5.—(1.) The Ministry of Labour may sue and be sued, and may for all purposes be described by that name.

(2.) The Ministry shall have an official seal, which shall be officially and judicially noticed, and such seal shall be authenticated by the signature of the president or some member of the Ministry, or of the secretary, or some person authorised by the president of the Ministry to act on behalf of the secretary.

(3.) In the execution and discharge of any power or duty transferred to the Ministry of Labour by or in pursuance of this Act, the Ministry shall adopt and use the style and seal of the Ministry of Labour, and no other.

Proceedings of Ministry.

6.—(1.) Every document purporting to be an order, licence, or other instrument issued by the Ministry of Labour, and to be

A.D. 1894.

sealed with the seal of the Ministry, authenticated in manner provided by this Act, or to be signed by a secretary or any person authorised by the President of the Ministry to act on behalf of the secretary, shall be received in evidence and be deemed to be such order, licence, or instrument, without further proof, unless the contrary is shown.

(2.) A certificate signed by the President or any member of the Ministry of Labour, that any order, licence, or other instrument purporting to be made or issued by the Ministry is so made or issued, shall be conclusive evidence of the fact so certified.

Power of President to sit in Parliament. 30 & 31 Vict. c. 102. s. 52. 31 & 32 Vict. c. 48. s. 51. 31 & 32 Vict. c. 49. s. 11.

7.—(1.) The office of President of the Ministry of Labour shall not render the person holding the same incapable of being elected to, or sitting or voting as a member of, the Commons House of Parliament, and shall be deemed to be an office included in Schedule H. of the Representation of the People Act, 1867, Schedule H. of the Representation of the People (Scotland) Act, 1868, and Schedule E. of the Representation of the People (Ireland) Act, 1868.

(2.) The President of the Ministry of Labour, if not one of the officers of State above in this Act mentioned, shall take the oath of allegiance and official oath, and shall be deemed to be included in the first part of the schedule to the Promissory Oaths Act, 1868.

Transfer of officers.

8.—(1.) There shall be transferred and attached to the Ministry of Labour such of the persons employed under the Privy Council or any other Government department, in or about the execution of the powers and duties transferred by or in pursuance of this Act to the Ministry of Labour as the Privy Council, or Government department, with the sanction of the Treasury, determine.

(2.) The Ministry of Labour may from time to time distribute the business of the Ministry amongst the several persons transferred thereto in pursuance of this Act in such manner as the Ministry may think right, and those officers shall perform such duties in relation to that business as may be directed by the Ministry.

Provided that such persons shall, while they continue in office, be in no worse position as respects their tenure of office, salaries, or superannuation allowances than they would have been in if this Act had not passed.

(3.) Any Order in Council made in pursuance of this Act which transfers any powers or duties to the Ministry of Labour shall

extend this section to the persons employed in or about the execution of those powers and duties.

Construction of Acts and documents.

9.—(1.) In the construction and for the purposes of any Act of Parliament, judgment, decree, order, award, deed, contract, or other document passed, or made before the establishment of the Ministry of Labour, but so far only as may be necessary for the exercise of the powers or the discharge of the duties by this Act, or any Order in Council made in pursuance thereof, transferred to that Ministry, the name of that Ministry shall be substituted for that of the Home Office or Treasury, or other Government department, as the case may require, and anything authorised or required to be done by, to, or before a Secretary of State may be lawfully done by any officer of the Ministry of Labour for the time being assigned for that purpose.

(2.) Where anything has been commenced by or under the authority of the Home Office, Treasury, or other Government department, before the transfer to the Ministry of Labour of any powers or duties by or in pursuance of this Act, and such thing is in relation to the powers or duties so transferred, such thing may be carried on and completed by or under the authority of the Ministry of Labour.

(3.) Where at the time of the transfer of any powers or duties by or in pursuance of this Act, any legal proceeding is pending, to which the Home Office or Treasury, or other Government department, are parties, and such proceeding has reference to the powers and duties transferred by or in pursuance of this Act, the Ministry of Labour shall be substituted in such proceeding for the Home Office or Treasury, or other Government department, and such proceeding shall not abate by reason of such substitution.

Definition.

10. In this Act—

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury.

Short title.

11. This Act may be cited as the Ministry of Labour Act, 1894.

A.D. 1894.

SCHEDULE.

PART I.

Acts relating to Powers and Duties of the Home Office transferred to Ministry of Labour.

Session and Chapter.	Title.
50 & 51 Vict. c. 58. -	Coal Mines Regulation Act, 1887.
41 & 42 Vict. c. 16. -	Factories and Workshops Consolidation Act, 1878.
46 & 47 Vict. c. 53. -	White Lead Factories and Bakehouses, 1883.
54 & 55 Vict. c. 75. -	Factory and Workshops Act, 1891.

PART II.

Acts relating to Powers and Duties of the Treasury transferred to Ministry of Labour.

Session and Chapter.	Title.
38 & 39 Vict. c. 60. -	Friendly Societies Consolidation Act, 1875.
46 & 47 Vict. c. 47. -	Friendly Societies (Nominations) Act, 1883.
50 & 51 Vict. c. 56. -	Friendly Societies (Amendment) Act, 1887.
52 & 53 Vict. c. 22. -	Friendly Societies (Amendment) Act, 1889.

Labour Minister.

A

B I L L

To establish a Ministry of Labour, to be presided over by a Minister to be called the Labour Minister.

(*Prepared and brought in by*
Mr. Ernest Spencer, Sir Alfred Hickman,
Sir Albert Rollit,
Sir John Blundell Maple, Sir Seymour King,
Sir Joseph Pease, Colonel Howard Vincent,
Mr. Dalziel, and Mr. Wilson Lloyd.)

Ordered, by The House of Commons, *to be Printed,*
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[*Price* 1½*d.*]

[Bill 25.]

A

B I L L

TO

Amend the Law relating to the fixing of Fair Rents and the Tenure and Purchase of Land in Ireland. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I.

Amendment of Land Law Ireland Acts.

Definitions.

1.—(1.) In this Part of this Act the expression "the Land Law Ireland Acts" includes the Land Law Ireland Act, 1881, the Land Law Ireland Act, 1887, and any Act amending the same. The expression "landlord" and "tenant" includes the predecessors in title of a landlord or tenant.

(2.) The term "improvement" as used in the Land Law (Ireland) Acts and in this Act shall be construed to mean any work or agricultural operation executed on a holding, which being executed adds to the letting value of the holding or any expenditure of labour or capital on a holding which adds to the letting value thereof.

(3.) Except in so far as the Land Law (Ireland) Acts are expressly altered or amended by this Act or are inconsistent therewith, this Part of this Act and the said Acts shall be construed together as one Act. Any words or expressions which are not hereby defined and are defined in the said Act, shall, unless there is something in the context of this Act repugnant thereto, have the same meaning as in the said Acts.

Short title.

2. This Act may be cited for all purposes as the Land Tenure (Ireland) Act, 1894.

Application of Act.

3. This Act shall not apply to England or Scotland.

A.D. 1894.

Shortening of the statutory term.

4. The statutory term within the meaning of the Land Law (Ireland) Acts shall be a term of eight years instead of the fifteen years mentioned in section eight of the Land Law (Ireland) Act, 1881; and an application to the court to determine a judicial rent may be made, after the expiration of *seven* years, of any existing statutory term, and the rent so fixed shall begin to be payable on the expiration of *eight* years of such term.

Tenant's improvements.

5.—(1.) On any application to fix the fair rent of a holding, the court shall ascertain whether any improvements have been made thereon by the tenant for which he or they have not been paid or otherwise compensated by the landlord, and shall estimate the extent of any increase in the letting value of such holding resulting from such improvements. Such increase of letting value shall, for the purposes of any such application, be deemed to be the property of the tenant, and no rent shall, in any proceedings under the said Acts or this Act, be allowed or made payable in respect thereof.

(2.) The provisions of this section shall have effect notwithstanding that the tenant may have entered into a contract with the landlord not to claim compensation for any such improvements on quitting the holding, or that from the nature of the improvement or of the term under which the tenant holds, or for any other reason, the tenant would not on quitting his holding be entitled to claim compensation for such improvements under the provisions of the Landlord and Tenant (Ireland) Act, 1870.

(3.) Where it shall appear that improvements on any holding have been made by the tenant in pursuance of any contract entered into between him or them and the landlord of such holding, the court shall ascertain the amount of the landlord's actual outlay in respect of such improvements, whether by way of abatement of rent or otherwise, and shall have regard to the amount so ascertained in estimating the landlord's interest in the holding; but save as regards the said amount, such improvements shall be deemed to be the property of the tenant, and save as aforesaid no rent shall in any proceedings under the said Acts or this Act be allowed or made payable in respect thereof.

(4.) The use and enjoyment by the tenant of any improvements executed wholly or partially by him or them, or the forbearance of the landlord to charge an increased rent in respect thereof, or to evict the tenant from the holding, shall not be deemed a compensation for such improvements within the meaning of the said Acts or of this Act.

(5.) So much of the fourth section of the Landlord and Tenant (Ireland) Act, 1870, as enacts that in awarding compensation to a

tenant in respect of such improvements as are therein mentioned the court therein mentioned shall, in reduction of the claim of the tenant, take into consideration the time during which such tenant may have enjoyed the advantage of such improvements, shall be and the same is hereby repealed. A.D. 1894.

Presumption as to improvements.

6. On any application to fix the fair rent of a holding and for the purpose of all proceedings under the Land Law (Ireland) Acts, the Landlord and Tenant (Ireland) Act, 1870, and this Act, all improvements on such holding shall until the contrary is proved be deemed to have been made by the tenant.

Town parks.

7. So much of the fifteenth section of the Landlord and Tenant (Ireland) Act, 1870, and the fifty-eighth section of the Land Law (Ireland) Act, 1881, as enacts that the said Acts (save as therein excepted) shall not apply to tenancies in any holding ordinarily termed "town parks" adjoining or near to any city or town which bears an increased value as accommodation land over and above the ordinary letting value of land occupied as a farm, and is in the occupation of a person living in such city or town, or the suburbs thereof, shall be and the same is hereby repealed. The ninth section of the Land Law (Ireland) Act, 1887, is hereby repealed.

Pasture holdings.

8.—(1.) A holding shall not be deemed to have been let to be used wholly or mainly for the purpose of pasture within the meaning of the Land Law (Ireland) Acts or of the Landlord and Tenant (Ireland) Act, 1870, unless such holding is held under a lease or other written instrument expressly providing that the holding is to be so used.

(2.) The fifteenth section of the Landlord and Tenant (Ireland) Act, 1870, and the fifty-eighth section of the Land Law (Ireland) Act, 1881, shall be read and construed as if the words *two hundred and fifty pounds* were substituted for the word fifty pounds therein contained.

(3.) Notwithstanding anything contained in the fifteenth section of the Landlord and Tenant (Ireland) Act, 1870, or the fifty-eighth section of Land Law (Ireland) Act, 1881, the said Acts and this Act shall be deemed to apply to any holding let to be used wholly or mainly for the purpose of pasture, if it shall appear that such holding was originally laid down in pasture by the tenant thereof at his or their own expense.

Demesne lands.

9. A holding shall not be deemed to be demesne lands within the meaning of the fifteenth section of the Landlord and Tenant (Ireland) Act, 1870, and the fifty-eighth section of the Land Law (Ireland) Act, 1881, where such holding has been let and used as an

A.D. 1894.

ordinary farm unless it shall be proved that the letting was made for the temporary convenience of the landlord.

Lettings made by Judge or Master.

10. In the case of any holding to which the Land Law (Ireland) Acts apply, the provisions of the said Acts shall have effect notwithstanding that the tenant holds under a lease made or other tenancy created by a Judge or Master of the High Court of Justice in Ireland, or by the Land or Receiver Judge, unless the lease or other contract of tenancy expressly provides that the said Acts shall not apply.

Tenancy under limited owner.

11. In the case of any holding to which the Land Law (Ireland) Acts apply, the provisions of the said Acts shall have effect notwithstanding that the tenancy under which the tenant holds was created by a tenant for life or other limited owner, and on the determination of the estate of such tenant for life or other limited owner, such tenancy shall not be deemed to be thereby determined, and the person or persons entitled in remainder or in reversion or next succeeding in estate shall for the purposes of the said Acts stand in the relation of landlord to the tenant of the tenancy and have the rights and be subject to the obligations of landlord accordingly.

Sub-letting of holding.

12.—(1.) The tenant of a holding shall be deemed to be in occupation thereof within the meaning of the twenty-first and fifty-seventh sections of the Land Law (Ireland) Act, 1881, notwithstanding that a portion of said holding, not exceeding one fourth in area, is sublet; provided as follows:—

(*a*) that in the case of a holding held under a tenancy from year to year at the date when such sub-letting was made, the sub-letting was made prior to the passing of the said Land Law (Ireland) Act, 1881;

(*b*) that when the case of a holding, which, at the date in the sub-letting was made, was held under a lease, the tenant was not prohibited by the provisions of such lease from sub-letting his holding.

(2.) Where there is on a holding a dwelling-house or dwelling-houses other than the dwelling-house of the tenant, and such dwelling-house or dwelling-houses have not been erected by the tenant in breach of any statutory condition or prohibition contained in a lease the tenant shall, notwithstanding that such dwelling-house or dwelling-houses with any outhouses, curtilage, or gardens appurtenant thereto are sublet, be deemed within the meaning of the enactments herein-before mentioned to be in occupation of the holding.

(3.) A landlord shall, within the meaning of the enactments herein-before mentioned, be deemed to have consented to a sub-

letting if it shall be proved that he or his agent had knowledge of same and did not dissent therefrom.

(4.) Where a holding has been let by the landlord to the tenant thereof subject to the tenancy of some other person in portion of the holding, the tenant shall, within the meaning of the enactments herein-before mentioned, notwithstanding the occupation of such portion by such other person or his successors in title be deemed to be in occupation of the holding.

(5.) A sub-letting of portion of a holding to a previous sub-letting or sub-division of which the landlord had consented shall within the meaning of the enactments herein-before mentioned be deemed to have been made with the consent of the landlord.

(6.) Nothing in this section shall be deemed to affect the rights under the said Act, or otherwise of any person holding under any sub-letting.

Determination of estate of immediate landlord.

13.—(1.) For the purpose of the fifteenth section of the Land Law (Ireland) Act, 1881, the estate of the immediate landlord of a holding shall be deemed to be determined by the recovery, as against such immediate landlord at the suit of any superior landlord, of a judgment or decree in ejectment for nonpayment of rent including such holding.

(2.) A judgment or decree in ejectment for nonpayment of rent recovered as against the immediate landlord of any holding, at the suit of any superior landlord, shall not be executed as against the tenant of such holding; but from and after the recovery of any such judgment or decree, such superior landlord shall stand in the relation of immediate landlord to the tenant of such holding, as in the fifteenth section of the said Act is provided, and may proceed accordingly for the recovery of all rent then due by such tenant to his immediate landlord. If the amount so recovered shall equal or exceed the amount due by the immediate landlord to the superior landlord, such recovery of rent shall not be deemed to have redeemed the interest of the immediate lordlord, but the superior landlord shall pay to the immediate landlord any sum so recovered in excess of the amount due to him by the immediate landlord for rent and costs.

(3.) Nothing in this section contained shall be deemed to preclude any such immediate landlord as aforesaid from redeeming his tenancy in the premises recovered as against him by any such superior landlord in any such ejectment as aforesaid within the space of *six* calendar months from the date of the judgment or decree in such ejectment.

A.D. 1894.

Mortgage of holding.

14.—(1.) The first section of the Land Law (Ireland) Act, 1881, shall not be deemed to apply to any dealing with a holding by way of mortgage only.

(2.) The third sub-section of the first section of the said Act, and so much of said section as requires a tenant who shall agree to sell his holding, to inform the landlord of the consideration agreed to be given for the tenancy, and empowers the court to declare any such sale to be void if the tenant fails to give the landlord such information, shall be and the same are hereby repealed.

(3.) The fifth sub-section of the eighth section of the said Act is hereby repealed.

Certain tenancies to be present tenancies.

15.—(1.) Notwithstanding anything contained in the fifty-seventh section of the said Act, any tenancy created before the passing of the Land Law (Ireland) Act, 1887, shall be deemed to be a present tenancy within the meaning of the said Act, and "future tenancy" shall be construed to mean a tenancy beginning after that date.

(2.) Where in the case of any holding of which the landlord has resumed possession since the day of one thousand eight hundred and seventy-nine, the tenant of such holding has been or shall be reinstated in such holding, the tenant shall be deemed to have been reinstated as a present tenant. This provision shall have effect notwithstanding any contract, providing that the tenant shall not be a present tenant.

Repeal of 50 & 51 Vict. c. 33. s. 7.

16. The seventh section of the Land Law (Ireland) Act, 1887, is hereby repealed.

Amendment of Redemption of Rent (Ireland) Act, 1891.

17. Where the fair rent of a holding to which the Redemption of Rent (Ireland) Act, 1891, applies is fixed in pursuance of the provisions of that Act, this Act shall be held to apply to such holding, and shall have effect in like manner as in the case of any other holding to which the Land Law (Ireland) Acts apply, and the enactments in the said Acts and in this Act contained with reference to improvements on such holding made or executed by the tenant or grantee, or his predecessors in title, shall be held to apply notwithstanding that the tenant or grantee from the nature of the term under which he holds would not on getting his holding be entitled to claim compensation for improvements under the provisions of the Landlord and Tenant (Ireland) Act, 1870.

PART II.

Purchase of Land.

Amendment of the provisions relating to the purchaser's insurances.

18. Section eight, sub-sections (1), (2), (3), (4), (5), and (6), of the Purchase of Land (Ireland) Act, 1891, and the other provisions in that Act relating to the Purchasers' Insurance Fund shall not apply to any purchaser who, at any time before the sanctioning of the advance, gives notice to the Land Commission of his wish not to provide such an insurance fund, and the annual instalments payable by such purchaser shall not exceed *four pounds* per centum per annum on the amount of the advance.

Application of part of the Exchequer contribution to the provision of labourers' cottages.

19. Section five, sub-section 2 (*b*), of the Purchase of Land (Ireland) Act, 1891, shall be amended and shall be construed as if the words "*one fourth* of" were inserted before the words "the Exchequer contribution," and the remaining *three-fourths* of the Exchequer contribution shall, in each year, be paid to the Local Taxation (Ireland) account, and applied as is directed in that sub-section in respect of other sums out of the Exchequer contribution not required for the purpose of the Reserve Fund, and paid to that account.

Proof of title in sales.

19.—(1.) The Land Commission in carrying out sales under the Purchase of Land (Ireland) Acts, 1870 to 1892, shall not be entitled to require any better proof of title than would a purchaser under the Vendor and Purchaser Act, 1874, and the Conveyancing and Law of Property Act, 1881, and any Act amending the same.

(2.) No costs incurred in proving any title which shall not have been certified by the Land Commission to have been necessarily incurred under this section shall be allowed on taxation.

Provision for abatement of charges pending completion of sale.

20. Where an order has been made under the Land Purchase (Ireland) Acts, 1870 to 1891, for expediting the proceedings on the sale of holdings, and stock has been issued to the account of the matter, the Land Commission may, in manner directed by rules made by them, provisionally allocate the said stock between the excumbrancers and others entitled thereto, if their encumbrances and charges are intended to be redeemed out of such stock or the proceeds of sale thereof, and, pending the final allocation, no greater sum shall be payable to any encumbrancer or other person than the amount of the interest during the same period of the stock so provisionally allocated to him; provided that if it be found on the final allocation that any error has been made on the provisional allocation, the Land Commission may order such additional sum to be paid or such sum to be repaid as may seem to them just.

A.D. 1894.

Mortgagees to be enabled to sell to tenants.

21. In the Purchase of Land (Ireland) Acts, 1870 to 1892, the term "landlord" shall be deemed to include a mortgagee with power of sale.

22. The Second Part of this Act shall be construed as one with the Purchase of Land (Ireland) Acts, 1870 to 1891.

Land Tenure (Ireland).

A

B I L L

To amend the Law relating to the fixing of Fair Rents and the Tenure and Purchase of Land in Ireland.

(*Prepared and brought in by Mr. Kilbride, Mr. T. M. Healy, Mr. Sexton, Mr. Dillon, and Mr. William O'Brien.*)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1894.

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[Bill 7.]

Land Values (Taxation by Local Authorities) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Limit of Act to towns and boroughs in England.
3. Interpretation:—
   "Local rate."
   "Rateable value."
   "Land value."
   "Land value rate."
   "House" and "markets."
   "Vacant land."
4. Houses and vacant land to be rateable in respect of "land value."
5. Rules for ascertaining "land values."
6. Local rates to be leviable upon "land values."
7. Overseers and assessment committees to insert land values in a separate column in the valuation list.
8. Amount of land value rate to be deducted from present rateable value in valuation list.
9. Unoccupied premises to be liable to local rate and to land value rate.
10. As to collection of land value rate and form of demand note.
11. Occupier to deduct land value rate from rent payable.
12. Landlord to allow deduction of land value rate.
13. Avoidance of agreements inconsistent with Act.
14. Saving clause.

A

B I L L

TO

Provide for the Taxation of Land Values by Local Authorities. A.D. 1894.

WHEREAS it is expedient for the purpose of separate and direct assessment and contribution to local and other rates in boroughs subject to the Municipal Corporation Act, 1882, and in the administrative county boroughs constituted under the Local Government Act, 1888, to exclude from the net rateable value of certain hereditaments in this Act mentioned, and which are now subject to local and other rates, so much thereof as represents the land value as defined in this Act, and to extend to such land value and to vacant land as hereafter defined liability to direct contribution to local and other rates, and also to extend the Act of the forty-third of the reign of Queen Elizabeth, chapter two, entitled "An Act for the Relief of the Poor," and the Acts amending the same, and the Valuation (Metropolis) Act, 1869, and Acts amending the same (all which Act or Acts are in this Act referred to as the Poor Rate Acts), so as to render liable to the payment of rates for the relief of the poor and to other local rate premises which may be empty, untenanted, or unoccupied, and which are now exempt:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. **1.** This Act may be cited as the Land Values (Towns) Assessment Act, 1894.

Limits of Act. **2.** This Act shall not apply to Scotland or Ireland, or to hereditaments other than and except those in boroughs subject to the Municipal Corporations Act, 1882, and in the administrative county boroughs constituted under the Local Government Act, 1888.

A.D. 1894.

Interpretation.

3. In this Act, unless the context otherwise requires—

The term "local rate" means any county rate, borough rate, highway rate, and other local rate leviable upon property rateable to the relief of the poor and every rate the proceeds of which are applicable to public local purposes, and which is leviable on the basis of poundage assessment of the value of property and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate as before defined.

The term "net rateable value" has the same meaning as is defined in the Act six and seven William the Fourth, chapter ninety-six, and the Acts amending the same, and as regards hereditaments in the administrative county of London the same meaning as rateable value mentioned in the Valuation (Metropolis) Act, 1869, and the Acts amending the same.

The term "land value" means the amount at which hereditament shall be assessed under this Act.

The term "land value rate" means the total amount of rate from time to time assessed upon or leviable in respect of the "land value" and comprised in any demand note.

The term "house" has the same meaning and definition as "house" in the ninety-second section of the Lands Clauses Consolidation Act, 1845.

The term "markets" has the same meaning and include only such markets and franchises as are now assessable under the Poor Rate Acts.

"Valuation list" means, as regards any parish or place for which there is no valuation list, the poors rates.

The term "assessment committee" means in relation to any parish or place where there is no assessment committee persons having power to make and assess the poor rate in such parish or place.

The term "vacant land" means and comprises—

(*a.*) Land (other than such land and premises hereafter excepted) situate in a county borough, municipal borough, or within the administrative county of London, and all such land shall, for the purposes of this Act, be deemed to be land contemplated or intended or suitable to be used for building purposes.

There shall be excepted from such definitions of vacant land—

(*a.*) The area of land comprised within the term house, as in this Act defined, and which is liable to be rated under this Act in respect of land value;

(*b.*) Land on which buildings exist, which are exempted under this Act from liability to rate in respect of land value;

(*c.*) Land used or occupied for any of the purposes exempt from rateability in respect of land value under this Act;

(*d.*) Land which shall be in actual use at the date of the valuation as orchard, market garden, hop, herb, flower, fruit, or nursery ground.

Houses and vacant land to be rateable in respect of "land value."

4. Hereditaments which comprise "houses" and "vacant land" respectively, as in this Act defined, shall be rateable under this Act in respect of "land value," but the provisions of this Act shall not extend or render liable to assessment under this Act, or in any way alter, modify, or affect the liability to local rate of lunatic asylums, police stations, gaols, and premises occupied in connexion therewith, public infirmaries, hospitals, workhouses, public schools, places of religious worship, chapels, drill halls, ragged schools, Sunday schools, scientific and literary societies and other public buildings, or of any railway, canal, dock, gas or water works, cemeteries, or places which have been, or are, used for burial grounds, or open spaces held and enjoyed by the public under the Open Spaces Act, 1887, or under or by the permission of any municipal or local authority, or places not now rateable to the poor, or under or by virtue of any Act or Acts relating to parks and open spaces in or enjoyed by the public of the administrative county of London.

Rules for ascertaining "land value."

5. Land value shall be estimated and ascertained according to the following scale:—

As regards houses as defined in this Act—

(*a.*) Where the same are leased by a freeholder for a term of years of which there shall be more than *six years* unexpired out of a term, created prior to the *passing of this Act*, for not less than *sixty years*, and the circumstances are such that the whole area of the site cannot be built upon in consequence of such value, the land value shall be the annual ground rent which at the time of the valuation might be reasonably obtained for a term of not less than sixty years for the area of land comprised within the term house in this Act defined, with the restriction that no greater area of land than that covered with actual buildings at the date of the

A.D. 1894.

valuation is to be rebuilt upon, but as if in all other respects the area of land comprised in the term house were a clear and unimproved site of building land, such annual ground not being in any event less than four per centum on the capital value of the area of land so to be comprised in such ground rent, subject to such restrictions as aforesaid.

(*b.*) As regards all other houses as in this Act defined the land value shall be the annual ground rent which at the time of the value might be reasonably obtained for a term of not less than sixty years for the area of land comprised in the term house as in this Act defined, as if the same were a clear and unimproved site of land and as if no buildings existed thereon, such annual ground rent not being less than four per centum on the capital value of the land comprised in such house.

As regards vacant land as defined in this Act—

(*c.*) The same shall for the purposes of this Act be deemed to be land contemplated, or intended, or suitable to be used for building purposes, and the land value shall be the annual ground rent, which at the time of the valuation having regard to such user might be reasonably obtained for a term of not less than sixty years for the area of the land as if the same were a clear and unimproved site of land, such annual ground rent not being less than four per centum on the capital value of such land so declared to be suitable for building purposes.

Local rates to be leviable upon "land values."

6. From and after the *first day of April one thousand eight hundred and ninety-five* local rate shall extend to and be leviable upon the land values as defined in this Act in like manner as if they were hereditaments now liable to local rate, and as if they had been included in the several Acts relating thereto as being liable to assessment, and all rate or rates so from time to time leviable or which may hereafter be raised or levied thereon shall be designated "land value rate."

Overseers and assessment committees to insert land values in a separate column in the valuation list.

7. Overseers and assessment committees shall, in making out the next valuation list or supplemental valuation after the passing of this Act, include or add and assess against every hereditament appearing in such list, and every hereditament which under the provisions of this Act is made liable to assessment to land value, the amount of land value respectively at which the same is assessable under this Act, and such land value shall be entered in separate columns or schedule in such list, and appear separately therein

under the heading or title of "land value," and the overseers, assessment committees, and other persons or bodies now liable or authorised to make or alter totals either gross or rateable of, or in any list relating to, the assessments under the Poor Rate Acts shall cause totals of the land values to be ascertained and included in or added to any valuation list to be made or returned by any overseer or assessment committee under the Poor Rate Acts.

Amount of land value rate to be deducted from present rateable value in valuation list.

8. There shall be deducted from the net annual value or rateable value under the Poor Rate Acts, and which but for this Act would otherwise appear in the valuation list or assessments under the Poor Rate Acts, the whole or so much of the amount of such annual value or rateable value as may be equal to the total amount set forth against each such hereditament under the provisions of this Act as being the land value, and the amount of the annual value and rateable value ascertained after such deductions shall have been made shall be inserted in all valuation and other lists under the Poor Rate Acts, in the place of and be in substitution for all purposes as regards assessment to local rate as the net annual value or net rateable value which but for this Act would otherwise appear therein.

Unoccupied premises to be liable to local rate and to land value rate.

9. If it shall happen that any house as in this Act defined shall at the time of making local rate or land value rate be empty, untenanted, or unoccupied, the same shall not be thereby exempt from local rate or land value rate, and the same and any rate imposed under or in consequence of this Act shall be payable by the owner as if he were the occupier thereof, and be charged on the said premises and recoverable in the same way and to the same extent as if the owner were the occupier, and in the event of the same remaining due and unpaid at the commencement of a new tenancy or occupation the local rate or land value rate then due and unpaid shall be payable on demand by the first tenant or occupier thereof, and he shall and may and is hereby authorised to deduct and retain the same out of any rent payable by him in respect of the premises, and such payment shall be and operate as a release and discharge of the tenant or occupier of and for so much of his rent as the rate or rates paid by him shall amount unto, any contract or provision to the contrary notwithstanding.

As to collection of land value rate and form of demand note.

10. With respect to the collection of land value rate, the following provisions shall have effect:—

The same shall be collected in the same manner as local rate is now collectible.

A.D. 1894.

The amount leviable as land value rate in respect of each hereditament shall be stated on the demand note, and shall be payable, in the first instance, by the occupier, and such demand note shall notify and state the total amount of the land value rate payable in respect of the land value rate, and that the occupier is authorised and entitled to deduct from any rent or payment payable by the occupier the land value rate, or such portion thereof as is deductable under the provisions of this Act, and the twelfth and thirteenth sections of this Act relating thereto shall be printed on each demand note.

Occupier to deduct land value rate from rent payable.

11. Where an occupier of rateable property is liable to pay a rent in respect thereof he shall, in the first instance, pay the total amount levied or assessed in respect of the land value rate, and he shall, subject to the rule hereafter mentioned, be entitled to deduct from such rent the amount paid for land value rate, and where a person entitled to receive a rent in respect of the same premises is also liable to pay rent therefor, he shall, subject to the rule hereafter mentioned, deduct the total sum paid for such land value rate from the rent which he is liable to pay to his landlord, and so on in succession with respect to every land value rate payable to any landlord.

Provided that in case any rent so to be paid as aforesaid shall not amount to the total of the land value, then the following rule as regards the deduction of land value rate shall apply, that is to say:—

The amount to be deducted from the rent shall bear such proportion to the total amount of land value rate mentioned in the demand note as the land value at which the hereditaments may be assessed bears to the rent to be paid.

Landlords to allow deduction of land value rate.

12. All persons or corporations entitled to receive rent in respect of hereditaments, and their representatives and assigns according to their interests, shall allow the deduction in respect of the amount of land value rate as authorised and directed by this Act on receipt of the residue of the respective rents which they are entitled to receive, and the occupier or other person liable to pay rent in respect of any such hereditament shall, by virtue of such deduction, be discharged of an equivalent amount of rent as if the same had been actually paid by him to the person entitled to receive such rent.

Avoidance of agreements inconsistent with Act.

13. The land value rate, assessed upon the hereditaments under this Act, shall be a charge and incumbrance upon the freehold of the hereditaments in respect of which it is made, and shall not be a rate, tax-charge, imposition, assessment, or outgoing payable by a tenant or occupier within the meaning of any existing covenant

or agreement to pay rates, taxes, charges, impositions, assessment, or outgoings in respect of any hereditaments the subject of such contract or agreement, and any deed, agreement, covenant, or contract made after the passing of this Act, purporting to deprive, or which would have the effect of depriving, any tenant or other person of his right under this Act to deduct any land value rate, or such portion as he is entitled to deduct under this Act from the amount of his rent, or purporting to provide for the cancellation or alterations of the terms of any tenancy in the event of such a rate being imposed as is authorised by this Act, or lending otherwise to defeat the intention of this Act, shall, so far as it purports to have or might have that effect be void.

Saving clause.

14. Nothing in this Act shall alter or affect, otherwise than is expressly altered or affected, any Act or Acts in force for the time being relating to parochial assessments in boroughs or places within the limits of this Act or the Valuation (Metropolis) Act, 1869, relating to the metropolis.

Land Values (Taxation by Local Authorities).

A

B I L L

To provide for the Taxation of Land Values by Local Authorities.

(*Prepared and brought in by Mr. Naoroji, Mr. Lough, Mr. James Stuart, and Mr. James Rowlands.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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[*Price* 1½*d.*]

[Bill 55.]

A

B I L L

INTITULED

An Act to amend the Larceny Act, 1861, with respect to the Jurisdiction exerciseable in cases relating to the Receipt of Stolen Property. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Punishment for receiving property stolen abroad. [*See* 24 & 25 Vict. c. 96. ss. 91–97.]

1. If any person receives any property knowing it to have been stolen, taken, extorted, obtained, embezzled, converted, or disposed of outside the United Kingdom under such circumstances that if the act had been committed within the United Kingdom the person committing it would have been guilty of an extradition crime according to the law for the time being of the United Kingdom, the person so receiving the property shall be guilty of a misdemeanor, and may be indicted in any county or place in which he has or has had the property, and on conviction shall be liable to penal servitude for any term not less than three years and not more than seven years, or to imprisonment for a term not exceeding two years with or without hard labour.

Extent of Act.

2. This Act shall not extend to Scotland.

Short title and construction. 24 & 25 Vict. c. 96.

3. This Act may be cited as the Larceny Act, 1894, and the Larceny Act, 1861, and this Act may be cited together as the Larceny Acts, 1861 and 1894.

[Bill 338.]

Larceny Act Amendment. [H.L.]

A

B I L L

INTITULED

An Act to amend the Larceny Act, 1861, with respect to the Jurisdiction exerciseable in cases relating to the Receipt of Stolen Property.

(*Brought from the Lords* 13 *July* 1894.)

Ordered, by The House of Commons, *to be Printed*, 27 *July* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 338.]

A

B I L L

TO

Authorise an advance out of the general fund of monies belonging to the Suitors of the Supreme Court in Ireland for the purposes of the Library used by the Bar of Ireland at the Four Courts, Dublin. A.D. 1894.

WHEREAS under the authority of divers Acts passed in the Parliament of Ireland or the Parliament of the United Kingdom, certain sums have been advanced out of the fund of the suitors of the Courts of Chancery and Exchequer towards building and improving the principal courts of justice and law offices in Dublin: 30 Geo. 3. c. 41. 34 Geo. 3. c. 6. 2 Will. 4. c. 32. 4 & 5 Will. 4. c. 68.

And whereas under the provisions of the Supreme Court of Judicature (Ireland) Act, 1877, and the Acts amending and extending the same, there has been opened in the Bank of Ireland in the name of the Accountant-General of the Supreme Court, a general cash account and general stock account of Government and other securities, and there has been transferred to such general accounts the cash and securities standing in the books of the Bank of Ireland to the credit of the several accounts of the High Court, and such monies and securities now constitute the fund of suitors in the Supreme Court:

And whereas it is expedient and necessary for the purpose of promoting the health and convenience of the members of the Bar of Ireland using the library at the Four Courts, Dublin, that such library should be enlarged and altered, and the accommodation and fitting and furnishing thereof improved, and it may be necessary that, for that purpose, certain alterations should be made in and about the buildings of the Four Courts, Dublin, and the courts, chambers, and offices thereof, or in (with the consent of the Incorporated Law Society of Ireland) the buildings belonging to that Society:

And whereas it is estimated that a sum of fifteen thousand pounds will be required for the purpose of such additions,

A D. 1894.

alterations, enlargements, and improvement of accommodation, and buildings and works which may be necessary for the purpose of carrying out the foregoing objects:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provision for improving Four Courts Library.

1. The Bank of Ireland shall, out of the fund of suitors in the Supreme Court, upon the order of the Lord Chancellor, pay to the Commissioners of Public Works in Ireland towards the making by them of the necessary additions, alterations, and improvements in and about the library at the Four Courts used by the Bar of Ireland, and of such alterations of the buildings, courts, offices, and chambers at the said courts, as the said Commissioners, with the consent of the Benchers of the King's Inns, may decide to be necessary for the purposes aforesaid, such sums, not exceeding in the whole the sum of *fifteen thousand pounds*, as shall by the said Commissioners be required.

Provided that no alteration shall be made in any of the buildings at the Four Courts vested in the Incorporated Law Society of Ireland without the consent of that society, and upon the terms which may be agreed upon between the society and the Commissioners of Public Works in Ireland with the consent of the Benchers of the King's Inns.

Provision for deficiency in suitors' fund.

2. *If it happens that the cash standing to the credit of the account of the suitors in the Supreme Court is at any time reduced to a sum not sufficient, in the opinion of the Treasury, to meet the demands upon it, then the Treasury shall advance out of the Consolidated Fund, or the growing produce thereof, such sum as they may think necessary, not exceeding in the whole the amount of cash which has been advanced from the fund in pursuance of the above-mentioned Acts and this Act.*

Short title and extent of Act.

3. This Act may be cited as the Four Courts Library Act, 1894, and shall extend to Ireland only.

Law Library, Four Courts, Ireland.

A

B I L L

To authorise an advance out of the general fund of monies belonging to the Suitors of the Supreme Court in Ireland for the purposes of the Library used by the Bar of Ireland at the Four Courts, Dublin.

(*Prepared and brought in by Mr. John Morley and Sir John Hibbert.*)

Ordered, by The House of Commons, *to be Printed*, 2 *April* 1894.

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HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 131.]

A

B I L L

TO

Enable owners or tenants having a vested interest in lands, houses, or business to acquire by purchase or rent the intervening period of term between the expiration of existing lease and the original lease. A.D. 1894.

WHEREAS it is necessary for the security of the present sub-owners and tenants having interests in their holdings created by purchase or expenditure made in the erection thereof, or by substantial improvements thereon, and for the encouragement of further improvements, that the sub-owners and tenants who have such interests should have power to acquire by purchase, or at a yearly rent, all interests that exist for any term less than twenty years before the expiration of the original lease granted by the ground landlord:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application to Court to fix price or rent.

1. A present owner or tenant may apply to the Court to fix a fair price for purchase, or a yearly rent, as compensation for any interest in the holding claimed or held by a predecessor in title. The Court, in adjudicating, shall take into consideration the improvements made or purchased by the applicant, and disallow any claims made on account of the same.

The rent fixed by the Court (in this Act referred to as the judicial rent) shall be payable as directed by the Court.

Refusal of application.

2. When an application is made to the Court in respect of any holding, the Court may disallow such application.

Definition of Court.

3. The Court shall mean the Land Court in Ireland.

Arbitration.

4. Any matter capable of being determined by the Court under this Act may, if the parties so agree, be decided by arbitration conducted as provided by the Landlord and Tenant Act, 1870, and the rent so fixed shall be deemed to be the judicial rent.

[Bill 160.]

A.D. 1894.

Powers of county court.

5. For the purposes of this Act, the county court has all the powers conferred on it in hearing applications as it has under the Landlord and Tenant Act, 1870. An appeal may be made to the Land Court and to the Court of Appeal.

Application for jury.

6. For the hearing of cases under this Act, either party may apply for a common or special jury of six jurors before any of the Courts, and have the usual powers to challenge or object to jurors.

Commencement.

7. This Act shall come into operation on the *first day of January one thousand eight hundred and ninety-five.*

Rules.

8. The Land Court shall make rules to carry out this Act.

Short title and extent.

9. This Act may be cited as the Leasehold Property (Ireland) Act, 1894, and shall apply only to Ireland.

Leasehold Property (Ireland).

A

B I L L

To enable owners or tenants having a vested interest in lands, houses, or business to acquire by purchase or rent the intervening period of term between the expiration of existing lease and the original lease.

(*Prepared and brought in by Mr. Field, Mr. Clancy, and Dr. Kenny.*)

Ordered, by The House of Commons, *to be Printed*, 13 *April* 1894.

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PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* ½*d.*]

[Bill 160.]

Leaseholders (Purchase of Fee Simple) Bill.

MEMORANDUM.

The object of this Bill is to carry out the recommendation of the Royal Commission on the Housing of the Working Classes in their Supplementary Report, viz.:—"That legislation favourable to the acquisition on equitable terms of the freehold interest on the part of the leaseholder would conduce greatly to the improvement of the dwellings of the people of this country" on the ground that "the prevailing system of building leases is conducive to bad building, to deterioration of property towards the close of the lease, and to a want of interest on the part of the occupier in the house he inhabits," and that "the system of building on leasehold land is a great cause of the many evils connected with overcrowding, unsanitary buildings, and excessive rents."

The Town Holdings Committee, in their final Report, recommend the local application of enfranchisement generally on the following grounds:—"After the statements laid before us by various witnesses, we cannot doubt that the ownership by a working man of the house he occupies is one of the strongest inducements to those habits of life which make him a good citizen and a useful member of the community, and that this stimulus is more strongly felt in the case of a man who has or can obtain the freehold than in that of a lessee for a term of years." Again, "With regard, however, to improvements, which lessees holding under existing leases may hereafter desire to make, a measure of enfranchisement would place such lessees in a better position, by enabling them to acquire the freehold before making the contemplated outlay. So far as the power of enfranchisement would promote such improvements, it may be looked upon as a benefit to the public," and they, therefore, recommend the local application of enfranchisement generally, and that compulsory powers be specially given to the following:—"Public Educational Bodies, Co-operative and Provident Societies, and Public Authorities and Corporations."

The initial process is, on the customary lines, to compel the lessor or lessors by notice to estimate the present value of their interests, and the lessee wishing to enfranchise to offer a counter-

price, with a reference, if they cannot agree, to the county or other analogous court. The capital sum or sums having been settled by agreement or by the court, power is given to those who were lessees or their successors in title to substitute a terminable or perpetual rentcharge for the capital payment, with the consent of the person or persons who had the reversionary interest.

Covenants providing the restraint on user can be enforced, either by the original lessor or by the local authority, which can also, under proper safeguards, release the property from certain kinds of covenants.

When the title is good, and when the freeholders and sub-lessors who are interested in the holding agree as to the division of the purchase money, the lessee pays the purchase money into court, the court divides it and issues a certificate of purchase to the lessee, who becomes the freeholder.

Inquiry into title is regulated by section 2, Vendor and Purchaser Act, 1874, whilst the court has larger powers in cases of doubt or difficulty. Legal expenses are limited, and a scale of costs is provided.

Leaseholders (Purchase of Fee Simple) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.
4. Lessee may acquire reversions by purchase.
5. Power to acquire reversions to be exercised concurrently.
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7. Production of deeds relating to the reversions and of the lease of the demised premises.
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11. Jury may be demanded by any of the parties.
12. Assessment of purchase money.
13. Conveyance where title cannot be expeditiously proved.
14. Observance of restrictive covenants.
15. Purchase money may be by way of rentcharge.
16. Payment of purchase money into court and issue of certificate of purchase.
17. Distribution of purchase money.
18. Provision for cases of disability.
19. Trustees may purchase under certain conditions.
20. Provision in case of irregularities.
21. Costs to be paid by lessee.
22. Costs in case of default of lessee or of unfounded claim.
23. Limitation in certain cases of right to apply to court.
24. Life leaseholds within provisions of Act.
25. Appeals.
26. Rules.
27. Forms in schedule.
28. Notices may be printed or written.
29. Service of notices.

SCHEDULE.

[Bill 179.]

A

B I L L

TO

Give facilities to Leaseholders for the Purchase of the Fee Simple of their Holdings. A.D. 1894.

WHEREAS it is expedient to amend the law so as to give to certain leaseholders the power to acquire the freehold reversion expectant on the determination of their leases and any intermediate interests in such property:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. **1.** This Act may be cited for all purposes as the Leasehold Enfranchisement Act, 1894.

Commencement of Act. **2.** This Act shall come into operation on the *first day of September one thousand eight hundred and ninety-four*, which date is herein-after referred to as the commencement of this Act.

Interpretation of terms. **3.** In this Act the following words and expressions shall have the interpretations and meanings in this section assigned to them respectively, unless there be something in the subject or context repugnant to such construction (that is to say):—

"Lease" means a lease, under-lease, assignment operating as a lease or under-lease, or an agreement for such lease, under-lease, or assignment:

"Life lease" means a lease or an agreement for a lease for years determinable on the expiration of a life or lives, or a grant or an agreement for a grant for a life or lives:

"Lessee" includes any person entitled to the equity of redemption in a lease subject to a mortgage, and, where the demised premises are comprised in or affected by a settlement, includes the tenant for life or the person having the powers of a tenant for life under such settlement or in respect of such settled land:

A.D. 1894.

"Settlement," "settled land," and "tenant for life" have the same meanings respectively as in the Settled Land Acts, 1882 and 1884:

"Freeholder" means any person entitled to the freehold reversion expectant on the determination of a lease or superior or intermediate lease, or if such freehold reversion shall be settled land, or comprised in or affected by any settlement, then the tenant for life or person entitled to exercise the powers of a tenant for life in respect of such settled land or under such settlement:

"Holding" includes any messuage, dwelling-house, shop, cottage, chapel, or other building, and any buildings, yard, garden, pleasure ground, or other piece of land used in connexion therewith, held in pursuance of a lease as defined by this Act, so that such buildings, yard, garden, pleasure ground, or other piece of land do not exceed three acres in extent:

"Local authority" means the mayor, aldermen, and council of any city or municipal borough, the vestries and district boards in the metropolis, and elsewhere the local board having authority in any urban or rural district for the enforcement of Acts relating to buildings, sanitary regulations, or the public health:

"Court" means in England the county court for the district wherein any part of the demised premises is situated; in Scotland the court of the sheriff substitute within whose jurisdiction any part of the said demised premises is situated; and in Ireland the land commissioners or sub-commissioners appointed under the Land Law (Ireland) Act, 1881:

"Person" includes a body of persons corporate or unincorporate:

"Prescribed" means prescribed by rules made in pursuance of this Act:

"Reversions" include "remainders":

"Rules" include "forms."

PART I.

A.D. 1894.

Lessee may acquire reversions by purchase.

4.—(1.) From and after the commencement of this Act every lessee as incident to and inseparable from his interest in any lease or life lease granted before or after the commencement of this Act, and not being a lease at rack rental at the date of the giving of the notice hereafter mentioned, shall have the right to acquire the reversion expectant or consequent upon the determination of the said term, and the reversions of any superior or intermediate lease or interest, and also the freehold reversion in the demised premises in the manner herein-after provided; but a lessee shall not be entitled to exercise such right in respect of part only of the premises demised by such lease, except where such part is the subject of a separate tenancy.

(2.) When the interest of a lessee in a lease or life lease is subject to an incumbrance, then, on the purchase by such lessee of such lease or of the freehold reversion expectant or consequent on the determination of the term, the lease or reversion so purchased shall vest in such incumbrancer in the same manner as if such lease or reversion has been actually conveyed to him by the instrument creating such incumbrance.

(3.) The right to acquire such reversions as aforesaid shall be incapable of being suspended, modified, released, or extinguished.

Power to acquire reversions to be exercised concurrently.

5. Where the demised premises are comprised in an under-lease the powers hereby conferred on the lessee to acquire the reversions expectant upon the term granted by such under-lease and by any superior or intermediate lease shall be exercised concurrently with the purchase of the freehold reversion in the demised premises.

Notice by lessee of intention to acquire reversions.

6.—(1.) When a lessee is desirous of acquiring the reversions to the demised premises in pursuance of this Act, he shall serve upon the lessor or his agent a notice, herein-after described as the prescribed notice, which may be in the Form No. 1 in the schedule to this Act annexed or to the like effect.

(2.) Within *twenty-one days* after the service of the aforesaid notice the lessor shall deliver to the lessee particulars of his interest in the demised premises and the amount of purchase money which he claims for the same. These particulars may be given in the Form No. 2 in the schedule to this Act annexed or other prescribed form.

(3.) Upon receipt of these particulars the lessee shall serve upon the persons who thereby appear to have a beneficial interest in the demised premises a notice in the Form No. 3 in the schedule

A.D. 1894.

to this Act annexed, and each of such persons shall, within twenty-one days from the date of such service, deliver to the lessee notice of his interest in the demised premises and the amount of purchase money which he claims for the same, which notice may be in the Form No. 2 in the schedule hereto or other prescribed form.

Production of deeds relating to the reversions and of the lease of the demised premises.

7. Within *one calendar month* after the service of the prescribed notice the lessee shall, if requested to do so, deliver to the lessor and any other person upon whom such notice shall have been served an abstract of the title to the lease, and shall verify such title by the production of the deeds for examination by the lessor. The lessee may, in the like manner and within the same specified time, require from the lessor and any other person upon whom such notice shall have been served an abstract of his title to his reversion and a verification of his title thereto.

Lessee may purchase reversions by agreement.

8. The lessor may agree with the lessee and all other persons who are beneficially interested in the demised premises and any tenant for life or person having the powers of a tenant for life under any settlement comprising or affecting the demised premises to acquire their interests by purchase, and in the case of any such tenant for life or person having the powers of a tenant for life it shall not be necessary, notwithstanding the provisions of the Settled Land Act, 1884, to obtain the leave or sanction of the High Court of Justice to such agreement, purchase, or sale.

Application to court.

9.—(1.) Where the lessee and other persons interested in the demised premises are unable to agree as to the amount of purchase money, or where any doubt or difficulty is alleged to exist as to the title of the lessor or other person, the lessee may make an application to the court. Such application shall be subject to all such particulars and offers on the part of the applicants as are required to be contained in any notice or notices set out in the schedule hereto; and shall be in such form as may be prescribed under any rules made under this Act; and the court shall be empowered to hear and determine all points of difference between the parties and settle the amount to be paid by the lessee for the purchase of the respective interests of the parties concerned, and shall likewise make an award specifying and assessing the amount of purchase money to be paid for the purchase of the freehold reversion in the demised premises, and shall direct the apportionment and distribution of such purchase moneys respectively among the persons entitled thereto, and may, subject to the provisions of this Act, make such orders as to costs as may be deemed expedient.

A.D. 1894.

(2.) The application to the court shall briefly state the points upon which the decision of the court is desired, and it shall also include the following particulars :—

(*a.*) The name and address and description of the lessee :

(*b.*) A description of the demised premises and where situate :

(*c.*) The nature and extent of the applicant's interest in such premises :

(*d.*) The names, addresses, and descriptions of the lessor and all persons having or reputed to have a beneficial interest or estate in the aforesaid premises.

(3.) In making an application under this section the applicant shall deposit in court a sum equal in amount to *one year's* rackrent of the demised premises, as a security for any costs and expenses that may be incurred in connexion with his application.

Court to fix a day for hearing, and to send notices to parties.

10. As soon as conveniently may be after the receipt of the application the court shall fix a day to hear and determine the matters in dispute between the parties other than matters relating to title, and shall give due notice of the same to the applicant, the lessor, and all other persons interested or reputed to be interested in the demised premises.

Jury may be demanded by any of the parties.

11. Subject to any rules that may be prescribed it shall be lawful for any of the parties to such application to require the points in dispute to be settled by a jury, and in that event a jury shall be empannelled in accordance with the practice usually observed in connexion with actions under the County Court Acts.

Assessment of purchase money.

12. In determining the amount of purchase money to be paid to the lessor and other persons interested in pursuance of any application under this Act, regard shall be had to the following directions :—

(*a.*) The purchase money shall be the sum which, in the opinion of the court, is the value of the present interests with the reversions in question expectant upon the determination of the lease :

(*b.*) There shall be excluded from the computation of such purchase money the value of any improvements made by the lessee after or in pursuance of the granting of the lease unless the same were expressly made in pursuance of antecedent covenants or agreements entered into by him :

(*c.*) If the applicant or his predecessor in title shall have made improvements or incurred any outlay for which by law, custom, or contract he is entitled at the date of the hearing to be compensated by the lessor, allowance shall be made for

A.D. 1894.

the present value of such improvement or outlay in the assessment of the purchase money :

(*d.*) Unless the lessor and all other persons interested concur in releasing the lessee from the obligation of observing the restrictive covenants of the leases of the aforesaid premises, the burden of such covenants shall be taken into account in arriving at the amount of purchase money, and the same shall thereupon cease.

Conveyance where title cannot be expeditiously proved.

13.—(1.) Where it appears that the title of the lessor or other person claiming or reputed to be beneficially interested in the demised premises cannot be expeditiously deduced or proved, the court shall, upon being satisfied that the lessor or his predecessor in title or other person claiming to have a superior interest in the said premises has been in the actual receipt of the rent reserved by the lease for the *twelve years* immediately preceding the application to the court, be empowered to make an order conveying the demised premises to the lessee subject to the payment of the purchase money into court.

(2.) The court shall subsequently proceed to ascertain the respective rights of the several persons claiming to be entitled to the purchase money, and may make such order for its distribution among them in respect to their respective interests as may be deemed just.

Observance of restrictive covenants.

14.—(1.) On a purchase by a lessee of a lease or of a freehold reversion expectant or consequent on the determination of a lease under this Act--

(*a.*) All covenants, agreements, and provisions contained in such lease or in any superior or intermediate lease binding the lessee under such lease to do or omit to do any of the following acts or any covenants, provisions, or agreements to the like purport or effect shall be void as from the completion of such purchase, namely,

(i.) Not to assign, demise, or part with the possession of the demised premises without the consent of the lessor :

(ii.) To furnish to the lessor or his solicitors copies of all deeds of assignment or under-lease :

(iii.) To pay any fee on the registration of any assignment or under-lease :

(iv.) Not to make any structural alteration or addition to the property without the consent, whether in writing or not, of the lessor :

(*b.*) But all covenants, agreements, and provisions binding the

lessee to do or omit to do any of the following acts or any covenants, agreements, or provisions to the like purport and effect shall, during the continuance of the term created by the lease in which such covenants are contained, remain in full force and enforceable by action or injunction against the lessee or his successors in title by the person who but for the purchase by the lessee under this Act would for the time being be entitled to enforce such covenants and by the local authority:

(i.) To make or construct any buildings or roads or to contribute towards the cost of construction or maintenance of roads, party walls, sewers, drains, wells, and any other conveniences used in common with the adjoining owners, occupiers, or lessees:

(ii.) To repair and keep the premises in repair:

(iii.) To insure from damage by fire, whether in any particular office or offices or not, and to reinstate the premises in case of damage by fire:

(iv.) To pay rates, taxes, land tax, tithe, or other outgoings:

(v.) To exercise or not to exercise on the demised premises any particular trade or business, or to deal with any particular person or company, or to use the property only in a particular manner, or against committing or permitting nuisances:

(vi.) To do any act which may or will be beneficial to the demised premises or to any other property of the lesssor or his superior landlord or tenant, or to abstain from doing any act which may or will be prejudicial to the demised premises:

(vii.) Any other restrictive covenants, agreements, or provisions.

(2.) Provided nevertheless, that where in pursuance of this Act the lessee has obtained a release from the observance of any covenants, the local authority may enforce against him any byelaws or regulations made under or by virtue of powers granted to such local authority by Act of Parliament; and the local authority may also in its discretion give any further release of covenants other than the releases provided under this Act, and may also restrain the lessee from so dealing with the demised premises, either by doing or omitting to do any act in connexion therewith, as will, in the opinion of such local authority, prejudicially affect adjoining owners.

Purchase money may be by way of rentcharge.

15.—(1.) After the court shall have ascertained the value of the freehold reversion the court shall, on the application of the lessee,

A.D. 1894.

on notice to the freeholder, make an order that a perpetual rentcharge in lieu thereof shall be granted and secured upon the demised premises in perpetuity.

(2.) On the application of the lessee, on notice and subject to any objection on the part of the person or persons interested, the court may direct that a rentcharge or rentcharges shall be granted and secured upon the demised premises of an amount and for a term respectively co-extensive with the rent or amount of beneficial interest in a rent reserved by and the term created by any lease or leases for which the purchase money shall have been awarded as before provided.

(3.) The rentcharge created as aforesaid shall be payable half-yearly in accordance with the order and directions of the court, and shall be charged upon the demised premises in the following order:— The perpetual rentcharges as a first charge. The terminable rentcharges in the order of priority that the respective rents reserved by any purchased lease may rank. If at any time such rentcharge or any portion thereof shall remain unpaid, the person entitled thereto shall have the remedies for compelling and recovering payment of the same set forth in the forty-fourth section of the Conveyancing and Law of Property Act, 1881.

Payment of purchase money into court and issue of certificate of purchase.

16. Where the purchase money is not made by way of rentcharge, the lessee shall, within *one month* from the date of the order fixing the amount of the purchase money or within such further time as the court may direct, pay the same into court in the prescribed manner, and upon such payment he shall be entitled to a certificate of purchase, specifying in the prescribed form the proceedings and determination of the court, and the names and interests of the lessor and other persons to whom the prescribed notice was given and the restrictive covenants (if any) to which the demised premises remain subject; and such certificate shall operate as a conveyance from the day of its date to the applicant of all the interest in such premises that was vested in such lessor or other persons at the date of the application or of the ascertainment of the purchase money.

Distribution of purchase money.

17.—(1.) On receipt of the said sum the court shall give one month's notice to the lessor and other persons interested of the intention to distribute the said sum among the persons severally entitled thereto; and on the expiration of such notice, and on being satisfied by affidavits of the said lessor and other persons that they still remain entitled to the same, the court shall order the purchase money to be paid over to them according to their respective rights.

A.D. 1894.

(2.) The court shall make such order as in its discretion may be deemed just and expedient in regard to the payment over of such sum as aforesaid, or in regard to the retention by the court of such sum, or any part thereof, pending any further inquiries as to the right of any person to receive the same.

(3.) On the purchase by a lessee of any lease or freehold reversion expectant or consequent on the determination of any term, and which is an estate or interest within the meaning of the Settled Estates Act, 1877, as being subject to a settlement or being settled estate within the meaning of the said Act, or is settled land, or is subject to or comprised in any settlement, the purchase money for such lease or freehold reversion shall be paid to the persons who under the said Acts are thereby authorised to receive and give receipts for capital moneys arising from a sale under the said Acts or either of them, and shall be dealt with and be subject to the same provisions in all respects as if the purchase under this Act were a sale effected by a tenant for life or person having the powers of a tenant for life under the Settled Land Act, 1882.

Provided always, that it shall not be necessary as against the lessee to obtain the consent of any court to the carrying out of any sale to a lessee of any such lease or reversionary interest as aforesaid under the provisions of this Act.

After payment by the lessee of the purchase money or execution of the deed of conveyance securing a rent in lieu of purchase money, as before provided, the lessee shall not be made a party to any application to the court under the Settled Estates Act, 1877, the Settled Land Act, 1882, and the Settled Land Act, 1884, or any of them, and shall not be liable to any costs, charges, or expenses in or about any application thereunder.

Provision for cases of disability.

18. In the event of the disability, by infancy, coverture, insanity, or otherwise, of any person who but for such disability would have been entitled to the benefit of this Act or to be treated as a lessor or person beneficially interested under this Act, the powers and duties of such person shall devolve upon his trustee, committee, guardian, or person who is entitled to receive the rent or profits of his estate on his behalf.

Trustees may purchase under certain conditions.

19. Nothing in this Act contained shall authorise any trustee or legal representative to make an application under this Act, unless he be authorised thereto by the consent of all necessary persons or by the nature of his trust, or be permitted by an order of a judge of the High Court of Justice, who shall have power on petition to grant such permission if he shall see fit to do so; and with such

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sanction any moneys, stocks, funds, or securities subject to the trust may be applied in the purchase of the reversions of any demised premises in pursuance of this Act, and the premises so acquired shall be conveyed to the trustees as the court shall in its discretion direct.

Provision in case of irregularities.

20. Where any of the parties make default in complying with any of the obligations imposed on them by this Act, or where any error, omission, or irregularity takes place in any proceedings under this Act owing to inadvertence, it shall be lawful for the court to grant any relief that it may deem just, either by extension of time or rectification of any previous order, or otherwise howsoever, upon such terms and conditions as may be deemed expedient.

Costs to be paid by lessee.

21.—(1.) The costs of the lessee in connexion with the application to the court and any other proceedings under this Act up to the payment of the purchase money or execution of the deed securing a rentcharge shall, subject as herein-after provided, be borne and paid by the lessee, and the court shall make such order as may be required for the payment of the said costs out of the deposit in court, and for the repayment to the lessee of the balance of such deposit (if any), but if any costs remain unpaid they shall be an equitable charge upon the lessee's interest in the demised premises, and the balance so remaining shall be paid in such manner as the court may direct.

(2.) In taxing costs under this Act only one set of costs shall be allowed as payable by the lessee except in cases where the court shall otherwise decide.

(3.) In respect of every purchase taking place under this Act there shall be paid by the lessee to the solicitors of the freeholder in reversion whose interest shall be purchased, for deducing the title to such interest and for investigating the title of the lessee and for completing the conveyance to the lessee, the following fees, exclusive of stamps, fees paid to public officers on registration, and costs of extracts from any register, record, or roll, or other disbursement reasonably and properly paid, that is to say,

Where the purchase money does not exceed *1,000l.*	*30s.* per 100*l.* of purchase money.
For the second and third *1,000l.*	*20s.* per 100*l.*
For the fourth and each subsequent *1,000l.* and up to *10,000l.*	*10s.* per 100*l.*
Fractions of 100*l.* being reckoned as 100*l.*	

Costs in case of default of

22. Where the lessee has wilfully or negligently delayed or made default in proceeding with his application, or where any party to

the application under this Act has in the opinion of the court made an unfounded claim or contention, the court may, in its discretion, make an order requiring such person to pay the whole or any portion of the costs which may have been incurred by reason of such default or unfounded claim. A.D. 1894. lessee or of unfounded claim.

23. If the application of any lessee be dismissed, or his right to the benefit of this Act be determined against him, or he decide and be permitted no further to proceed by reason of his being dissatisfied with the title of the lessor or other persons claiming to be interested in the demised premises, he and all persons claiming by, through, or under him by virtue of any assignment, sub-demise, or other transfer of interest subsequent to the date of his said application, shall be barred from taking further proceedings under this Act for the space of *five years* without special leave from the court. And in no case shall he or they take any further proceedings without first paying all such costs as may be ordered by the court in respect of the said application. Limitation in certain cases of right to apply to court.

24. The powers herein contained shall be applicable to life leases as defined by this Act, and any person entitled to any such lease shall be and is hereby empowered to acquire all the reversions in the demised premises by purchase in the manner and under the limitations and conditions in this Act provided; and the forms in the schedule hereto may be varied so far as necessary and adapted thereto. Life leaseholds within provisions of Act.

25.—(1.) All orders of the court shall be subject to appeal on matters of law in England in the same manner as appeals are now made from the decisions of county court judges on matters of law; in Scotland in the same manner as appeals are now made from the decisions of sheriffs; and in Ireland in the same manner as appeals are now made from the decisions of the Land Commissioners. All orders relating to costs, and all decisions of the court on matters of fact or in the exercise of its discretion, shall in like manner be subject to appeal by leave, either of the judge or of the court before which the appeal is to be heard. Appeals.

(2.) No appeal shall be beyond the divisional court in England, the Court of Session in Scotland, and the Queen's Bench, Common Pleas, or Exchequer in Ireland, without leave from the said courts or from the court before which such appeal is to be heard, which shall in each case be the court to which ordinarily appeals are made from the before-mentioned courts respectively.

(3.) In case of appeals all costs thereof shall be in the discretion of the court to which appeal is made.

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Rules.

26. Rules for the purposes of this Act may be made and altered from time to time by the like persons and in the like manner in which rules may be respectively made under and for the purposes of the County Courts Acts in England, of the Sheriffs Courts Acts in Scotland, and of the Civil Bill Courts Acts in Ireland.

Forms in schedule.

27. Any deeds, notices, or other documents in the form contained in the first schedule to this Act annexed, or to the like purport and effect as may be prescribed, shall as regards form and expression in relation to the provisions of this Act be deemed sufficient for all purposes.

Notices may be printed or written.

28. Notices, orders, and other documents under this Act may be in writing or print, or partly in writing and partly in print, and when issued by the court shall be deemed sufficiently authenticated if they bear the official seal of the court.

Service of notices.

29. Any notice, order, or document required or authorised by this Act to be served on any person may be served—

(*a.*) By delivering the same to such person; or

(*b.*) By leaving the same at the usual or last known place of abode of such person; or

(*c.*) By forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode.

If the notice is served by post it shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

SCHEDULE.

A.D. 1894.

FORMS.

FORM NO. 1.

Notice of desire by the Lessee to exercise the powers of this Act.

In pursuance of the provisions of the Leasehold Enfranchisement Act, 1894, I, of as lessee of the property hereafter mentioned of a lease dated the day of , granted by [*insert lessors' names and description from lease*] [for a term of years, and of another year, from the day of ,] or [for the life or lives of *A.B.*, of *C.D.*, of *E.F.*, of], do hereby give you notice that I intend to exercise the powers of the said Act, and to purchase the reversion expectant or consequent on the determination of the said term, and the reversions of any superior or intermediate lease or interest, and the freehold reversion in the demised premises, and the short particulars of which are stated below. And that I am willing to submit myself to the provisions of the said Act, and to purchase pursuant to the said Act the said property, and I require from you in writing addressed to me at the following particulars:—(1.) In the event of your holding the premises under a lease or leases—(*a.*) The date of such lease or leases. (*a.* 1.) The term or terms for which the premises are held. (*b.*) The names and addresses of the lessors so far as you can supply the same, and of the agents of the lessors if known to you. (*c.*) The names and addresses of the agents or persons to whom you made the last payment of rent in respect of the property comprised in such lease or leases. (*d.*) The amount of rent reserved by the lease or leases for the remainder of the term of the lease or leases. (*e.*) And if the same relates to any other property than that comprised in the lease, in respect of which I give this notice, the short particulars and description of such other property in case you require the said other property to be purchased. And I require you to state in writing the amount you claim as purchase money for the interests and property comprised in the notice in writing so to be given by you.

(2.) In the event of your being entitled to the freehold reversion expectant or consequent upon the determination of the lease now held by me as lessee, I require you to state the particulars of your interest in the said property, and in separate amounts the respective purchase moneys you claim—(*a.*) for such reversion, and (*b.*) for such rent as may be payable to you during the residue of the term of the lease.

Dated this day of 18 .

A.D. 1894.

The Short Particulars of the Property above referred to.

[Here describe the premises according to the usual or postal address] and add the words:

And which description is intended to describe the property comprised in the lease dated , made between for a term of years from the day of at the rent of £ in respect of which this notice is given.

FORM No. 2.

Particulars of Lessor's or Freeholder's interest and price for Sale.

I, the undersigned of , or the undersigned duly authorised agent for this purpose of of , in reply to your desire to exercise the powers of the Leasehold Enfranchisement Act, 1894, dated day of 18 , hereby inform you that the premises mentioned in your said notice, and in respect of which you are now paying the rent of £ , were granted or demised by indenture of lease (or leases) bearing date (respectively) the day of (and the) (day of) and made between for a term of years from the day of , and that the same are held by me under an indenture of lease (or leases) bearing date (respectively) the day of and made between and for a term of years from the day of at a rent or rents of £ per annum, payable (free from all deductions whatsoever except income tax) (or that I hold the same in fee simple), and I claim as purchase money for the freehold reversion expectant upon the termination of the term of years now held by you the sum of £ , and as purchase money for the £ per annum payable to me as aforesaid under the lease (or leases) before mentioned the sum of £ as purchase money.

If held by the lessor under a lease state the following particulars.

State if any charges or taxes are payable out of the rent by the lessor.

Dated this day of 18 .

Yours, &c.

FORM No. 3.

Notice by Lessee as defined by the Act of desire to exercise the powers of the Act.

Having been informed by of that the under-mentioned premises are comprised in a lease (or leases) dated the , and made between for a term of years and of another year from the day of at the yearly rent or rents of £ payable [quarterly] (free of all rates and taxes except property tax), and that you are entitled as lessor to the tents and profits of such premises, and to the freehold reversion

Recite the facts from notice given in Form No. 2.

expectant on the determination of the said lease, I hereby inform you that on the day of in pursuance of the powers of the Leasehold Enfranchisement Act, 1894, I sent a notice in writing (a copy of which purports to be enclosed herewith) to the lessor under whom I hold the under-mentioned premises, and I offer and hereby submit to the provisions of the above-mentioned Act, and pursuant to the provisions thereof I require you within one calendar month from the date hereof to deliver to me in writing at a notice in writing stating the following particulars. A.D. 1894.

[The particulars are to be similar or to the effect of the particulars (1) and (2) above set forth in form No. 1.]

FORM OF CONVEYANCE.

I, [*A.B.*], of in consideration of the sum of £ paid to me by [*C.D.*] pursuant to the Leasehold Enfranchisement Act, 1894, as beneficial owner hereby convey to the said [*C.D.*] all [*insert description of premises*], to hold the same unto and to the use of the said [*C.D.*] in fee simple, according to the true intent and meaning of the said Act.

[*Add, if required, as follows:*—] And I hereby acknowledge the right of the purchaser to production of the documents of title mentioned in the schedule hereto, and to delivery of copies thereof, and hereby undertake for the safe custody thereof.

In witness whereof I have hereunto set my hand and seal this day of 18 .

[*A.B.*] (L.S.)

Schedule of ascertained covenants or agreements to which the premises intended to be conveyed are subject.

FORM OF CONVEYANCE ON CHIEF RENT.

I, [*A.B.*], of in consideration of the rentcharge to be paid as herein-after mentioned [and of £] by [*C.D.*] pursuant to the Leasehold Enfranchisement Act, 1894, as beneficial owner hereby convey to the said [*C.D.*] all [*insert description of premises*], to hold the same unto and to the use of the said in fee simple, according to the true intent and meaning of the said Act. The said [*C.D.*] yielding and paying unto me a clear yearly rent of £ by equal half-yearly portions henceforth, on the 24th of June and the 25th of December in each and every year, clear of all taxes and deductions (except income or property tax).* The first full payment to be made on the day of

* Where the demised premises are conveyed subject to a terminable rentcharge, add words stating the period during which such rentcharge is payable.

A.D. 1894.

next, and a proportionate part, amounting to £ , on the day of next.

[*Add, if required, acknowledgment of right to production of documents as in Form of Conveyance above.*]

In witness whereof I have hereunto set my hand and seal this day of 18 .

[*A.B.*] (L.S.)

Schedule of ascertained covenants or agreements to which the premises intended to be conveyed are subject.

N.B.—The above conveyance should be executed in duplicate.

Leaseholders (Purchase of Fee Simple).

A

B I L L

To give facilities to Leaseholders for the Purchase of the Fee Simple of their Holdings.

(*Prepared and brought in by Mr. H. L. W. Lawson, Mr. James Rowlands, Mr. Kearley, Mr. Frye, Mr. Bruner, and Mr. Field.*)

Ordered, by The House of Commons, *to be Printed,* 20 *April* 1894.

PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from EYRE and SPOTTISWOODE, East Harding Street, Fleet Street, E.C., and 32, Abingdon Street, Westminster, S.W.; or JOHN MENZIES & CO., 12, Hanover Street, Edinburgh, and 90, West Nile Street, Glasgow; or HODGES, FIGGIS, & Co., LIMITED, 104, Grafton Street, Dublin.

[*Price* 2½*d.*]

[Bill 179.]

A

B I L L

TO

Amend the Law of Libel.

A.D. 1894.

WHEREAS it is expedient to declare and amend the law of libel, and to consolidate the enactments relating to libel published in any newspaper.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Definitions.

1. In the construction of this Act, unless there is anything in the subject or context repugnant thereto, the several words and phrases herein-after mentioned shall have and include the meanings following; that is to say:

The expression "a court of summary jurisdiction" shall have in England the meanings assigned to it by the Summary Jurisdiction Act, 1879, and in Ireland shall mean any justice or justices of the peace, stipendiary or other magistrate or magistrates, having jurisdiction under the Summary Jurisdiction Acts:

The expression "Summary Jurisdiction Acts" shall have, as regards England, the meanings assigned to it by the Summary Jurisdiction Act, 1879; and, as regards Ireland, shall mean within the police district of Dublin metropolis the Acts regulating the powers and duties of justices of the peace for such district, or of the police of that district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending the same: 14 & 15 Vict. c. 93.

The phrase "public meeting" shall mean any meeting bonâ fide and lawfully held for a lawful purpose, and for the furtherance or discussion of any matter of public concern, whether the admission thereto be general or restricted:

A.D. 1894.

The word "newspaper" shall mean any paper containing public news or intelligence, or any remarks or observations thereon, printed for sale and published in England or Ireland periodically at intervals not exceeding *thirty-one days* between the publication of any two consecutive papers, parts, or numbers. Also any paper printed in order to be dispersed and made public, at intervals not exceeding *thirty-one days*, containing only or principally advertisements.

Indorsement on writ.

2. It shall not be sufficient for a plaintiff in an action of libel to indorse his writ generally with a claim for damages for libel; but he shall give on the writ particulars, with dates, of each of the alleged libels sufficient to identify the same, so as to enable the defendant, if he think fit, at once to apologise or to pay money into court.

Payment into court in actions of libel.

3. In any action of libel, it shall be lawful for any defendant to pay money into court with a defence denying liability, as in every other action, anything contained in Order XXII., r. 1, of the Rules of the Supreme Court notwithstanding; and such payment into court shall not operate as, or be construed into, an admission of any liability on the part of such defendant.

Power to defendant to give certain evidence in mitigation of damages.

4. At the trial of any action of libel it shall be lawful for any defendant to give in evidence in mitigation of damages that the plaintiff has already recovered (or has brought actions for) damages, or has received or agreed to receive compensation in respect of words to the same purport or effect as those for which such action has been brought.

Defendants jointly liable for libel.

5. Whenever in any action of libel the plaintiff sues more than one defendant, whether jointly or severally, or in the alternative, it shall be lawful for each defendant to put in a separate defence, and to appear at the trial by separate counsel, or, if he think fit, to apologise or to pay money into court or to make other amends without reference to any of his co-defendants; and the plaintiff may accept such apology, money, or other amends, and settle or compromise the suit and discontinue the action as between himself and one or more defendants without reference to the other defendants. Provided always, that rights and interests of the other defendant or defendants shall not in any way be prejudiced thereby.

Separate assessment of damages.

6. Whenever in an action of libel the plaintiff sues more than one defendant, whether jointly or severally, or in the alternative, and evidence is given of malice in one defendant or of any other matter

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of aggravation which would not be admissible in evidence against any other defendant if he were sued alone, such other defendant shall be entitled to apply to the judge to have the damages against himself and his co-defendants separately assessed; and thereupon the judge shall direct the jury (if the case be tried with a jury) to assess, or shall himself (if the case be tried without a jury) assess, the damages separately against each defendant; and no defendant shall be liable, nor shall execution issue against him, for any further or other damages than shall be so assessed against him.

Consolidation of actions.

7. It shall be competent for a judge or the court, upon an application by or on behalf of two or more defendants in actions in respect to the same, or substantially the same, libel brought by one and the same person, to make an order for the consolidation of such actions, so that they shall be tried together; and after such order has been made, and before the trial of the said actions, the defendants in any new actions instituted in respect to the same, or substantially the same, libel shall also be entitled to be joined in a common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated.

It shall also be competent for a judge or the court, in the case of a libel published simultaneously in a number of newspapers or copied shortly after publication, and where the whole of such publications have a common origin, to give notice to the plaintiff in any action or actions arising out of such libel, that a stated period will be allowed for the discovery of any further publications that may have taken place, in order that the whole of the actions arising out of such libel may be tried together, and after the expiration of such period of discovery no further actions shall be instituted in respect to the publication of such libel except for the recovery of special damages.

In a consolidated action under this section the jury shall assess the whole amount of the damages (if any) in one sum, but a separate verdict shall be taken for or against each defendant in the same way as if the actions consolidated had been tried separately; and if the jury shall have found a verdict against the defendant or defendants in more than one of the actions so consolidated, they shall proceed to apportion the amount of damages which they shall have so found between and against the said last-mentioned defendants; and the judge at the trial shall thereupon make such order as he shall deem just for the apportionment between and against such defendants of the costs, if any, which the plaintiff is entitled to recover.

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Security for costs.

8. In any action for libel the judge at chambers, if satisfied that the plaintiff is an undischarged bankrupt or otherwise has no visible means of paying the costs of the defendant should a verdict not be found for the plaintiff, may make an order staying all proceedings in the action, unless within a time to be named in such order the plaintiff give full security for the defendant's costs to the satisfaction of a master of the Supreme Court. If any such action shall have been stayed under this section for a year, it shall at the end of the year be deemed to be dismissed with costs, and the defendant shall be at liberty to sign judgment for his costs.

Costs.

9. In any action of libel, if the plaintiff obtain a verdict for an amount which the court or a judge upon a view of the whole case shall deem to be nominal damages only, this shall be deemed good cause within Order LXV., r. 1, of the rules of the Supreme Court; and the judge before whom such action is tried or the court may thereupon in his or their discretion make an order that the costs shall not follow the event of the trial.

In an action against a newspaper for libel, the defendant may plead that it was inserted without malice and without neglect, provided he pay money into court as amends.

10. In an action for a libel contained in any newspaper it shall be competent to the defendant to plead that such libel was inserted in such newspaper without actual malice, and without gross negligence, and that before the commencement of the action, or at the earliest opportunity afterwards, in case the action was commenced before there was any such opportunity, he, with or without an offer of compensation, inserted in such newspaper a full apology for the said libel, or, if the newspaper in which the said libel appeared should be ordinarily published at intervals exceeding one week, had offered to publish the said apology in any newspaper to be selected by the plaintiff in such action; and should the jury by their verdict find that the sum offered was sufficient compensation, and that the apology offered was a proper and adequate apology, then the plaintiff shall pay all the cost of the action on both sides from the date of the refusal of such offered compensation, but every such defendant shall before or at the time of delivering such defence pay into court a sum of money by way of amends for the injury sustained by the publication of such libel; otherwise such plea shall be deemed a nullity, and may be treated as such by the plaintiff in the action.

Newspaper reports of proceedings of public meetings and of certain bodies and

11. A fair and accurate report published in any newspaper of the proceedings of a public meeting, or (except where neither the public nor any newspaper reporter is admitted) of any meeting of a vestry, town council, school board, board of guardians, board or local authority formed or constituted under the provisions of any

A.D. 1894.

persons privileged.

Act of Parliament, or of any committee appointed by any of the above-mentioned bodies, or of any meeting of any commissioners authorised to act by letters patent, Act of Parliament, warrant under the Royal Sign Manual, or other lawful warrant or authority, select committees of either House of Parliament, justices of the peace in quarter sessions assembled for administrative or deliberative purposes, and the publication at the request of any Government office or department, officer of State, commissioner of police, or chief constable of any notice or report issued by them for the information of the public, shall be privileged, unless it shall be proved that such report or publication was published or made maliciously: provided that nothing in this section shall authorise the publication of any blasphemous or indecent matter: provided also, that the protection intended to be afforded by this section shall not be available as a defence in any proceedings if it shall be proved that the defendant has been requested to insert in the newspaper in which the report or other publication complained of appeared a reasonable letter or statement by way of contradiction or explanation of such report or other publication, and has refused or neglected to insert the same: provided further, that nothing in this section contained shall be deemed or construed to limit or abridge any privilege now by law existing, or to protect the publication of any matter with respect to which a jury shall find it is neither of public concern nor is its publication for the public benefit, but if the publication be found to be accurate and the matter one of public concern, then its publication shall be deemed for the public benefit.

Order of judge required for prosecution of newspaper proprietor, &c.

12. No criminal prosecution shall be commenced against any proprietor, publisher, editor, or any person responsible for the publication of a newspaper for any libel published therein without the order of a judge at chambers being first had and obtained. Due notice of any such intended application shall be given to the person accused, who shall have an opportunity of being heard against such application. The judge shall not make an order authorising the institution of any criminal proceeding against such person, unless in his opinion a sufficient remedy cannot be obtained in a civil action brought by the person libelled. There shall be no appeal from the decision of the judge at chambers when he refuses to make an order under this section; but it shall be lawful for the person accused to appeal against his decision, if the judge at chambers make an order permitting a criminal prosecution.

A.D. 1894.

Inquiry by court of summary jurisdiction as to libel being for public benefit or being true.

13. A court of summary jurisdiction, upon the hearing of a charge against a proprietor, publisher, or editor, or any person responsible for the publication of a newspaper, for a libel published therein, may receive evidence as to the publication being for the public benefit, and as to the matters charged in the libel being true, and as to the report being fair and accurate and published without malice, and as to any matter which under this or any other Act or otherwise might be given in evidence by way of defence by the person charged on his trial on indictment; and the court, if of opinion after hearing such evidence that there is a strong or probable presumption that the jury on the trial would acquit the person charged, may dismiss the case.

Provision as to summary conviction for libel.

14. If a court of summary jurisdiction upon the hearing of a charge against a proprietor, publisher, editor, or any person responsible for the publication of a newspaper for a libel published therein is of opinion that though the person charged is shown to have been guilty, the libel was of a trivial character, and that the offence may be adequately punished by virtue of the powers of this section, the court shall cause the charge to be reduced into writing and read to the person charged, and then address a question to him to the following effect: "Do you desire to be tried by a "jury or do you consent to the case being dealt with summarily?" and, if such person assents to the case being dealt with summarily, the court may summarily convict him and adjudge him to pay a fine not exceeding *fifty pounds*.

42 & 43 Vict. c. 49.

Section twenty-seven of the Summary Jurisdiction Act, 1879, shall, so far as is consistent with the tenor thereof, apply to every such proceeding as if it were herein enacted and extended to Ireland, and as if the Summary Jurisdiction Acts were therein referred to instead of the Summary Jurisdiction Act, 1848.

11 & 12 Vict. c. 43.

22 & 23 Vict. c. 17. made applicable to all libels.

15. Every libel or alleged libel shall be deemed to be an offence within and subject to the provisions of the Act of the session of the twenty-second and twenty-third years of the reign of Her present Majesty, chapter seventeen, intituled "An Act to prevent "vexatious indictments for certain misdemeanors."

Repeal.

16. The enactments described in the schedule to this Act are hereby repealed; but this repeal shall not affect anything done or suffered, or any right acquired, or duty imposed, or liability incurred, before the *commencement of this Act*, or the institution or prosecution to its termination of any legal proceeding or other remedy for ascertaining or enforcing any such liability. Any

enactment referring to any enactment repealed by this Act shall be construed as referring to this Act. A.D. 1894.

17. This Act shall not apply to Scotland. Extent of Act.

18. This Act may be cited for all purposes as the Law of Libel Amendments Act, 1894. Short title.

The SCHEDULE to which this Act refers.

Session and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Vict. c. 96. -	Lord Campbell's Libel Act - -	Sec. 2, as amended by 42 & 43 Vict. c. 59, and 46 & 47 Vict. c. 49. s. 4.
44 & 45 Vict. c. 60. -	The Newspaper Libel and Registration Act, 1881.	Sec. 1, par. 4, commencing "The word newspaper."
44 & 45 Vict. c. 60. -	The Newspaper Libel and Registration Act, 1881.	The whole of sec. 4.
44 & 45 Vict. c. 60. -	The Newspaper Libel and Registration Act, 1881.	The whole of sec. 5.
44 & 45 Vict. c. 60. -	The Newspaper Libel and Registration Act, 1881.	The whole of sec. 17.
51 & 52 Vict. c. 64. -	The Law of Libel Amendment Acts	The whole of sections 1, 2, 3, 4, 5, 6, 10, 11.

Libel.

A

B I L L

To amend the Law of Libel.

(*Prepared and brought in by*
Sir Albert Rollit, Mr. H. W. Lawson,
Mr. Willox, Mr. Byles, Colonel Palmer,
Sir John Leng, Mr. T. P. O'Connor,
and Sir Charles Cameron.)

Ordered, by The House of Commons, *to be Printed,*
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[*Price* 1*d.*]

[Bill 60.]

Licensing Laws Amendment.

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A

B I L L

TO

Amend the Licensing Laws.

A.D. 1894.

WHEREAS it is expedient to reduce the number of licences for the sale of intoxicating liquors, and to provide for the better regulation of licensed houses:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

No excise retail licence to be granted except to persons licensed under this Act.

1.—(1.) From and after the *passing of this Act* a licence authorising the sale at any place of any intoxicating liquor by retail shall not be granted by the Commissioners of Inland Revenue or by any officer of Inland Revenue to any person whatsoever, except in virtue of a licence which that person has previously obtained from the licensing authority of the licensing district in which that place is situate, and the licensing authority shall have full and absolute discretion in granting or refusing to grant any such licence.

(2.) A licence of the licensing authority shall be retained by the licensed person after being produced to the Commissioners or officers of Inland Revenue.

(3.) Every licence granted by the Commissioners of Inland Revenue or by any officer of Inland Revenue contrary to the provisions of this section shall be void.

Restriction of kinds of licence to be granted after five years from Act.

2.—(1.) At the general annual licensing sessions in any licensing district held next after the expiration of *five years* from the passing of this Act, and from that time forward, the licensing authority may grant the following kinds of licence and no others, that is to say:—

Publican's licence (on and off).

(*a.*) A licence, in this Act called a publican's licence, authorising the holder thereof to apply for and hold an excise licence to

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sell by retail all kinds of intoxicating liquor to be consumed on or off the premises.

Refreshment house licence (on).

(*b.*) A licence, in this Act called a refreshment house licence, authorising the keeper of a refreshment house to apply for and hold an excise licence to sell by retail wine and beer to be consumed on the premises by persons taking meals there.

Wine and beer licence (off).

(*c.*) A licence authorising the holder to apply for and hold an excise licence to sell by retail wine and beer not to be consumed on the premises.

Hotel licence.

(*d.*) A special publican's licence (in this Act called an hotel licence) in respect of premises of the value of *fifty pounds* or upwards, which in the opinion of the licensing authority are structurally adapted for use as an inn or hotel for the reception of persons lodging or taking meals in the premises, and travellers, and no part of which is set apart or used as an ordinary public house.

Railway refreshment-room licence.

(*e.*) A special publican's licence (in this Act called a railway refreshment-room licence) in respect of a railway refreshment-room for passengers arriving or departing by train.

(2.) On the grant or renewal of an hotel licence or railway refreshment-room licence, a licensing authority shall impose such conditions as are necessary in their opinion to prevent the licence from being used otherwise than in accordance with the special provisions of this section with respect to it, and they shall insert those conditions in the licence.

(3.) When a licensing authority is authorised to grant any licence under this section they may in their absolute discretion grant or refuse it, and the grant or refusal shall be final, and so much of any Act as requires the confirmation of a grant, or allows an appeal against a refusal of a licence, shall be and is hereby repealed.

(4.) On an application for a licence under this section the licensing authority may receive on oath such evidence as they think proper, and may cause or allow to appear before them for the purpose of giving evidence any officer of police or other person, and any ratepayer in the licensing district and any person interested in the application may appear on the hearing thereof either in person or by his counsel or solicitor, and may produce evidence with respect to the application.

(5.) Subject to the provisions of this Act a licence under this section shall be subject to the same provisions with respect to the grant, renewal, and transfer thereof, and to fees, and to the time of

granting and duration thereof and otherwise in respect thereof, as a licence under the Alehouse Act, 1828, and that Act and every enactment relating to a licence under that Act shall apply accordingly. A.D. 1894. 9 Geo. 4. c. 61.

(6.) If any licensed person acts in contravention of the tenor of or of a condition inserted in a licence granted to him under this section, he shall for every offence be liable to a fine not exceeding *ten pounds*.

Gradual reduction in number of licences.

3.—(1.) At the first annual licensing sessions of each district, held after the *passing of this Act*, notice shall be given by the licensing authority to every person holding a licence for the sale of intoxicating liquor in the district to send in to the clerk within *three months* a statement of claim equal to the net profits to the publican earned in each licensed house respectively from the sale of intoxicating liquors during the *five years* previous to the passing of this Act, or such shorter period as the house shall have been licensed.

Every such statement of claim shall be duly registered by the clerk of the licensing authority.

(2.) At the second and at each of the four subsequent annual licensing sessions the licensing authority shall not renew so many licences as shall be equal to one-fifth of the number by which the licences in force at the time of the passing of this Act exceed the number allowed after the expiration of *five years* as a maximum in urban and rural districts respectively under the provisions of this Act.

(3.) The licensing authority shall give to every holder of a licence whose licence is not renewed under the provisions of this section at the second annual licensing sessions a certificate duly signed by the chairman and the clerk for the sum set forth in the statement of claim previously sent in by him and registered by the clerk.

At the third annual licensing sessions, a certificate for *four-fifths* of such sum;

At the fourth, a certificate for *three-fifths* of such sum;

At the fifth, a certificate for *two-fifths* of such sum;

At the sixth, a certificate for *one-fifth* of such sum;

or in case of dispute such sum in each case as shall be settled by arbitration as herein-after provided (and such sum shall be paid to the licence holder by the council of the county or borough in which his licensed house was situate upon the presentation of the certificate at the next ensuing meeting of the council).

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Provided—

(*a.*) That if no statement of claim has been sent in and registered under the provisions of this section within the time specified by the notice, by or on behalf of any licence holder, such licence holder shall not receive any certificate for payment whatsoever from the licensing authority.

(*b.*) That if the licensing authority or any of the licence holders whose licences may be renewed and who thereby become liable to contribute towards the special rate herein-after provided for, object to the statement of claim of any licence holder whose licence is refused under the provisions of this section as being excessive, in default of agreement the question in dispute shall be referred to arbitration under the Arbitration Act, 1889, and the costs may be ordered to be paid by the party whose claim or whose objection may appear to the arbitrators or umpire to have been unreasonable.

(4.) At the second and at each of the four subsequent annual licensing sessions held after the *passing of this Act* the licensing authority shall levy upon the licensees, whose licences may be renewed, a special licence duty not exceeding *ten* per centum upon the amount of their respective statements of claim as registered by the clerk, for the purposes of defraying the expenses incurred under this Act.

(5.) In the event of the special licence duty being insufficient to defray those expenses, and to satisfy the payments to be made as required by this section, the county or borough council shall have power to borrow the sum which may be necessary on such terms as may be approved by the Local Government Board, and the special licence duty shall continue to be levied at its full rate until the amount borrowed has been repaid, and afterwards at such a rate as will suffice to defray the expenses of this Act.

(6.) If no statement of claim has been sent in by a licence holder for the purposes of this section the licensing authority shall have power to assess such licence holder at such an amount as, in the exercise of their discretion, they may think just for the purpose of levying the special licence duty.

(7.) Provided that the special licence duty be paid to the clerk of the licensing authority in each case before the licence is signed, and the receipt shall be duly entered upon it.

(8.) Nothing in this section shall prevent any licensing authority from refusing to renew any licence under the powers contained

in the Licensing Acts in force at the time of the *passing of this Act.* A.D. 1894.

(9.) No certificate shall be given by any licensing authority in respect of the refusal to renew any licence at any time after the sixth annual licensing sessions held after the *passing of this Act.*

(10.) The amount stated in a certificate for compensation given under this Act by a licensing authority shall be paid by the treasurer of the county or borough council of the county or borough in which the licensing authority acts, if duly presented within *three months* of their being signed to the person named therein, or his or her authorised representatives.

Limit on number of licences after five years from Act.

4.—(1.) After the expiration of *five years* from the *passing of this Act* the total number of licences (exclusive of hotel licences and railway refreshment-room licences) granted in any licensing district shall not exceed—

(*a.*) As respects so much (if any) of the district as is in the administrative county of London, or in an urban sanitary district, one to every thousand of the population, and

(*b.*) As respects so much (if any) of the licensing district as is not in the administrative county of London, or in an urban sanitary district, one to every six hundred of the population.

(2.) The population shall be ascertained for the purposes of this section from the last published census for the time being, but the licensing authority may allow for the probable increase or decrease of population between the taking of the last census and the time when a reduction, if made, will take effect.

(3.) In determining which licences in their district are to be discontinued under this section a licensing authority shall have regard to the situation, character, and structural qualification of the licensed premises as well as to the fitness of the holders of the licences.

Qualification of premises after five years from Act.

5. After the expiration of *five years* from the passing of this Act a licence shall not be granted in respect of any premises (not being a railway refreshment-room) of less than the annual value following, that is to say :—

(*a.*) If the premises are situated in the city of London, or in the county of London, or within the four-mile radius from Charing Cross, or in an urban sanitary district containing a population of not less than one hundred thousand, and

i. If the licence is a publican's licence, *one hundred pounds.*

A.D. 1894.

ii. If it is a licence to sell wine and beer to be consumed on the premises, *sixty pounds.*

iii. If it is a licence to sell wine and beer not to be consumed on the premises, *sixty pounds.*

(*b.*) If the premises are situated elsewhere than as aforesaid and are in an urban sanitary district containing a population of not less than ten thousand, and

i. If the licence is a publican's licence, *fifty pounds.*

ii. If it is a licence to sell wine and beer to be consumed on the premises, *thirty pounds.*

iii. If it is a licence to sell wine and beer not to be consumed on the premises, *thirty pounds.*

(*c.*) If the premises are situated elsewhere than as aforesaid, and

i. If the licence is a publican's licence, *thirty pounds.*

ii. If it is a licence to sell wine and beer to be consumed on the premises, *twenty-five pounds.*

iii. If it is a licence to sell wine and beer not to be consumed on the premises, *twenty-five pounds.*

Licensed person not to carry on other trade after five years from Act.

6. After the expiration of *five years* from the passing of this Act a licence shall not be granted—

(*a.*) To any person who does not personally conduct the business in respect of which the licence is granted, or

(*b.*) To any person who carries on, on the licensed premises, any business for the sale of any article (except tobacco) by retail, other than the business of a refreshment house or licensed victualler.

(*c.*) In respect of any premises on which is carried on any business other than the business of a refreshment house, or of a licensed victualler.

Structure of licensed premises and hours of closing.

7.—(1.) The licensing authority shall have full control over the structure of all licensed premises within their district.

(2.) The licensing authority may make an order altering the hours during which premises in their district in which intoxicating liquor is sold by retail are required to be closed:

Provided as follows:—

(*a.*) Until the expiration of *five years* from the passing of this Act an order may not be made under this section reducing by more than *two hours* in any day, other than Sunday, the time during which any premises are at the commencement of this Act allowed to be open by law:

(*b.*) An order may not be made under this section allowing any premises to be open on Sunday— A.D. 1894.

i. Except for sale for consumption off the premises, or

ii. For a longer time than *two hours* in the whole on any one Sunday.

(3.) Subject to any order made under this section the hours during which on any day, other than Sunday, any premises in which intoxicating liquor is sold are required to be closed shall be those fixed by law at *the commencement of this Act*.

(4.) Subject to any order made under this section all premises in which intoxicating liquor is sold by retail shall be closed during the whole of Sunday.

(5.) An order under this section shall be advertised in such manner as the licensing authority direct, and shall not come into operation till *one month* after it is made.

(6.) An order under this section shall be in force until it is revoked.

Occasional licences and special exemptions.

8.—(1.) An occasional licence shall not be granted for any place except with the consent in writing of the licensing authority of the district in which that place is situate, to be obtained in manner provided by this section.

(2.) A licence or order under section twenty-six or section twenty-nine of the Licensing Act, 1872, exempting a licensed person from the provisions of the Licensing Acts or of this Act respectively with regard to the closing of his premises may be granted and made respectively by the licensing authority of the district in which the premises are situate, in accordance with the provisions of this section and not by any other authority or in any other manner. 35 & 36 Vict. c. 94.

(3.) A person intending to apply for the consent or for a licence or order of a licensing authority under this section shall give to the licensing authority notice of his intention, and shall also give, in such manner as they direct, *seven days* public notice of the intended application previous to the hearing thereof, and the application shall be heard at the next session of the licensing authority held after the expiration of the notice.

Dancing and music licences.

9.—(1.) A licence for public dancing, singing, music, or other public entertainment of the like kind shall not be granted—

(*a.*) To the holder of a licence for the sale of intoxicating liquor, or

(*b.*) In respect of any premises licensed for the sale of intoxicating liquor, or in respect of any house, room, or place adjoining to or communicating with any such premises.

A.D. 1894.

Provided that a licensing authority may at any session grant to any licensed person in respect of any premises or place a special licence for public dancing, singing, music, or other like public entertainment on a special occasion.

(2.) A person intending to apply for a special licence under this section shall give notice of the intended application to the licensing authority, and the application shall be considered at the session held next after the expiration of *seven days* from the receipt of the notice.

(3.) A licence for the sale of intoxicating liquor shall not be granted—

(*a.*) To the holder of any licence (except a special licence under this section) for public dancing, singing, music, or like entertainment, or

(*b.*) In respect of any premises licensed or kept or used, or adjoining to or communicating or used in connexion with any house, room, or place licensed or kept or used (otherwise than under a special licence under this section) for any of those purposes.

Inspectors.

10.—(1.) Every licensing authority shall, subject to the provisions of this section, appoint an inspector, or such number of inspectors as they think necessary, whose duty it shall be to visit and inspect all licensed premises in their district and to report to the licensing authority any infringement of the conditions of any licence, or any breach or non-observance of the provisions of the Licensing Acts or of this Act.

(2.) A licensing authority may assign to the inspectors appointed by them their salaries subject to the approval of the county or borough council, and may remove them, and may make regulations for the discharge by them of their duties.

(3.) A licensing authority shall not appoint more than one inspector without having previously obtained the approval of the county or borough council to the number proposed to be appointed.

(4.) A county council may, where in their opinion any licensing district in their county is not of sufficient size to require the entire services of an inspector, make an order uniting that district with any other district or districts in their county for the purposes of inspection, and after an order under this provision one inspector shall be appointed by the licensing authority of the united districts jointly in such manner as the county council order.

(5.) Where a licensing authority are dissatisfied with any order of or refusal of approval by a council under this section they may

appeal to the Local Government Board, whose decision shall be final. A.D. 1894.

(6.) An inspector under this Act may for the purposes of this Act at any time enter on any licensed premises in a licensing district of which he is inspector.

(7.) If any person either by himself or by any person in his employ, or acting by his direction, or with his consent refuses to admit, or obstructs or delays any inspector acting in pursuance of this Act, he shall be liable to a fine not exceeding for the first offence *five pounds*, and for a subsequent offence not exceeding *ten pounds*.

Registration of Clubs.

Establishment of register of clubs.

11.—(1.) Every licensing authority shall keep a register of all clubs having club premises in their district in which intoxicating liquor is supplied.

(2.) The register shall contain, with respect to every registered club, the following particulars, that is to say :—

i. The name of the club,

ii. The description of the club premises, and

iii. The name of the secretary of the club.

Application for registration to be made annually.

12.—(1.) The secretary of every club in whose premises intoxicating liquor is supplied shall before the *tenth day of October one thousand eight hundred and ninety-four*, or in the case of a club formed after that date before the opening of the club premises, apply to the licensing authority of the licensing district in which the club premises are situate to register the club, and shall before the *tenth day of October* in every year subsequent to the first registration make a like application for renewed registration.

(2.) The secretary shall on making an application for the registration for the first time of a club furnish to the licensing authority with regard to the club the particulars required by this Act to be entered on the register, and shall from time to time thereafter give to the licensing authority notice of any alteration in those particulars, and he shall also from time to time when required by the licensing authority furnish to them a copy of the rules and a list of the officers, committee, and members of the club.

Registration fees.

13. The secretary of every club shall before it is registered annually pay to the licensing authority a registration fee after the rate of *two shillings* in the pound on the annual value of the club

A.D. 1894.

premises, according to the assessment for the time being for the purposes of income tax under Schedule A.

Effect of registration and failure to register.

14.—(1.) No licence of a licensing authority or licence of the Commissioners of Inland Revenue shall be required for the supplying of intoxicating liquors to the members of a club registered under this Act on the registered premises of the club, provided that—

i. The members of the club are admitted by election of all the existing members or of a committee of them, and pay an annual subscription, and the club property is vested in or held on trust for, or for the benefit of, the members jointly, and

ii. No person not a member has a right of admission to the club premises, and

iii. All intoxicating liquor supplied in the club is the property of the club, and not of any individual, and

iv. The liquor is supplied for consumption on the club premises only.

(2.) If any intoxicating liquor is supplied in any club not registered under this Act or in any registered club in which the provisions of this section are not observed, the supplying of that liquor shall be deemed to be a sale of the liquor within the meaning of section three of the Licensing Act, 1872, and of all Acts relating to the excise.

35 & 36 Vict. c. 94.

(3.) An association or club, the principal or only object of which is in fact the supplying of intoxicating liquors to its members, shall be an illegal association, and shall not be capable of being registered as a club under this Act, and if it is registered the registration shall be void.

(4.) Any justice of the peace if satisfied by information on oath that there is reasonable ground to believe that any intoxicating liquor is supplied or kept for the purpose of being supplied at any place within his jurisdiction by an association which is illegal within the meaning of this section may grant a warrant under his hand by virtue whereof it shall be lawful for any constable named in the warrant at any time, within *one month* from the date thereof, to enter, if need be by force, the place named in the warrant and every part thereof, and examine the same and search for intoxicating liquor therein, and the provisions of section seventeen of the Licensing Act, 1874, with respect to a warrant to enter and search any place in which intoxicating liquor is unlawfully sold or exposed, or kept for sale, and to the seizure and removal and forfeiture of liquor, and to the penalties on persons found on the premises, or failing when required to give a name or address,

37 & 38 Vict. c. 49.

or giving a false name or address or false information, shall apply accordingly. A.D 1894.

SUPPLEMENTAL.

Expenses of Act.

15.—(1.) The clerk to the licensing authority shall account for and pay all moneys received by him as clerk, except such fees as are expressly reserved to him under this Act, to the county or borough council.

(2.) The expenses of and incidental to the execution of this Act in each licensing district shall be paid by the council out of the moneys received from the clerk to the licensing authority, or borrowed in accordance with the provisions of this Act.

(3.) All sums paid to a county or borough council under this Act, which may not be required for the purposes of this Act, shall be carried to the county or borough fund as the case may be.

Savings.

16. Nothing in this Act shall affect—

(1.) The sale of spruce or black beer; or

(2.) The sale of intoxicating liquors by proprietors of theatres in pursuance of the Acts in that behalf; or

(3.) The sale of intoxicating liquors in packet or passenger boats in pursuance of the Acts in that behalf; or

(4.) The sale of spirits in canteens in pursuance of any Act regulating the same; or

(5.) The sale of medicated or methylated spirits or spirits sold as medicine; or

(6.) The sale of any intoxicating liquor by wholesale.

Interpretation.

17.—(1.) In this Act—

The expression "Licensing Acts" means the Licensing Acts, 1872 to 1874, and any other enactments in force relating to the licensing of premises for the sale of intoxicating liquor;

The expression "beer" includes ale, porter, cider, and perry;

The expression "wine" includes sweets, made wine, mead, and metheglin;

Expressions referring to a county council or borough council or council mean, in relation to each licensing district and licensing authority, the council of the county or county borough in which that district, or the licensing district of that authority, is situate.

(2.) In this Act and in the Licensing Acts, 1872 to 1874, unless the context otherwise requires, the expression "licence" includes a

A.D. 1894.

licence for the sale of intoxicating liquors granted by a licensing board under the authority of this Act, and the expressions "licensed person" and "licensed premises" include respectively a person holding a licence under this Act and premises in respect of which a licence under this Act has been granted and is in force.

Definition of "sale by retail."

18. In this Act and in any enactment relating to the sale of any intoxicating liquor the expression "sale by retail" shall mean, unless it is otherwise expressly provided, the sale of that liquor in the quantity herein-after declared, that is to say :—

i. In the case of spirits, wines, sweets or made wines, mead or metheglin, any quantity less than two gallons, or less than one dozen reputed quart bottles, and

ii. In the case of beer, cider, or perry, any quantity less than four and a half gallons, or less than two dozen reputed quart bottles.

Extent of Act.

19. This Act shall extend to England and Wales only.

Short title.

20. This Act may be cited as the Licensing Act, 1894, and so far as is consistent with the tenor thereof shall be read as one with the Licensing Acts, 1872 to 1874, and those Acts and this Act may be collectively cited as the Licensing Acts, 1872 to 1894.

Licensing Laws Amendment.

A

B I L L

To amend the Licensing Laws.

(*Prepared and brought in by*
Mr. Tritton, Mr. Brynmor Jones,
Mr. Henry Hobhouse, and
Sir William Houldsworth.)

Ordered, by The House of Commons, *to be Printed,*
1 *May* 1894.

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[Bill 211.]

A

B I L L

TO

Assimilate the Laws of England to those of Ireland in reference to Light Railways. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Proposal to county council to guarantee interest on capital.

1. It shall be lawful for the promoters of any light railway (being a public company) in making application to the county council of any county to propose that the county shall guarantee the payment of interest on borrowed money not exceeding *three* per centum per annum, on so much of the capital of the undertaking as is paid up, and in case of default on the part of the promoters the completion and working of the undertaking may be provided at the cost of the county.

Inquiry by county council.

2. The county council may inquire into the proposal and make a presentment to be submitted to the Local Government Board that such a county be chargeable with such interest of such borrowed money as the county council may determine, and also that the county shall be chargeable with payments as may be required for completing, working, and maintaining the undertaking.

Provisions for payment of interest.

3. During the continuance of the guarantee the net receipts (after deducting from gross receipts management and working expenses) shall be applied to payment of interest on the paid-up capital, and in the event of a total or partial failure to pay such interest, the sums required shall be levied off the county or district chargeable under the guarantee.

Definition.

4. In this Act the expression "light railway" includes tramway as that word is used in the Tramways (Ireland) Act,

Short title.

5. This Act may be cited as the Light Railways (England and Wales) Act, 1894.

[Bill 347.]

Light Railways (England and Wales).

A

B I L L

To assimilate the Laws of England to those of Ireland in reference to Light Railways.

(*Prepared and brought in by Major Rasch, Colonel Lockwood, Mr. Jasper More, Mr. Brookfield, Captain Naylor-Leyland, and Mr. Round.*)

Ordered, by The House of Commons, *to be Printed*, 3 *August* 1894.

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[Bill 347.]

Limitation of Actions. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.
1. Limitation of time for actions of tort.
2. Extent of Act.
3. Commencement of Act.
4. Short title.

A

B I L L

INTITULED

An Act to amend the Law relating to the Limitation of Actions. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Limitation of time for actions of tort.

1. Every enactment in which any longer period than one year is fixed as the period of limitation for an action or other proceeding in respect of a civil wrong, other than a proceeding which raises any question as to the title to real estate, shall be construed as if, instead of that longer period, the period of one year had been fixed therein; and all enactments referring to any such enactment shall be construed accordingly.

Provided that if the wrong is not discovered, and could not with reasonable diligence have been discovered at the time when it was committed, the period of limitation shall run from the time when the wrong might with reasonable diligence have been discovered in like manner as if the wrong had been then committed: Provided that this shall not extend the time for bringing any action commenced after the passing of this Act for any longer period than would have been applicable if this Act had not passed. This section shall apply to an action founded on contract, where the action is brought in respect of a wrongful act, neglect, or default which might have been made the subject of an action founded on tort.

Extent of Act.

2. This Act shall not extend to Scotland.

Commencement of Act.

3. This Act shall apply only to actions or other proceedings commenced after the first day of January one thousand eight hundred and ninety-five, and shall not deprive any person of any right or defence to which he is on that day entitled under any existing Statute of Limitation.

Short title.

4. This Act may be cited as the Limitation Act, 1894.

Limitation of Actions.

[H.L.]

A

B I L L

INTITULED

An Act to amend the Law relating to the Limitation of Actions.

(*Brought from the Lords 7 June* 1894.)

Ordered, by The House of Commons, *to be Printed,* 12 *June* 1894.

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[Bill 280.]

A

B I L L

TO

Enable Localities by a direct Vote to prevent the issue of Licences. A.D. 1894.

WHEREAS the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, and death, whereby not only the individuals who give way to drinking habits are plunged into misery, but grievous wrong is done to the persons and property of Her Majesty's subjects at large, and the public rates and taxes are greatly augmented:

And whereas it is right and expedient to confer upon voters in boroughs, wards, and districts the power to prevent such common sale of intoxicating liquor aforesaid:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The following terms in this Act shall have the meanings assigned to them respectively: Definition.

"Voters" shall mean all persons entitled to vote under the provisions of this Act:

"Borough" shall mean any parliamentary or municipal borough:

"Ward" shall mean a ward of any borough which has been divided into wards for the purpose of municipal elections:

"District" shall mean any district or area which elects a member to the county council:

"Returning officer" shall mean the returning officer for the time being for the county or borough in which the district or ward where a poll is to be taken is situated:

A.D. 1894.

"Licensing authority" shall mean an authority for the time being empowered to issue licences for the sale of intoxicating liquors:

"Intoxicating liquors" shall mean spirits, wine, beer, porter, ale, cider, perry, and sweets, and any distilled, spirituous, or fermented liquors which could not, according to any law for the time being, be legally sold without a licence from the Commissioner of Inland Revenue.

Applications of voters for a vote to determine the adoption of this Act.

2. It shall be lawful after *the passing of this Act* for any number of voters in any borough, ward, or district, not being less than one-tenth of the whole, to give notice in writing to the returning officer on or before the *first day of January*, if within the counties of Middlesex or Surrey, or on or before the *first day of July*, if in any other county in England, to take a poll of the voters of such borough, ward, or district, as to whether licences for the common sale of intoxicating liquors shall be granted or renewed in that district. Such notice shall be accompanied by the deposit of such reasonable sum not exceeding *twenty pounds* as the returning officer in each case shall demand, towards the expense of the poll.

Notice of time and place for receiving votes for or against the adoption of this Act.

3. Not later than *ten days* after receiving such notice, the returning officer shall fix a date for the poll to be taken, and shall within the said ten days cause a notice of the same with all needful particulars to be affixed in a conspicuous place in every police station, and at the doors of every place of worship, public school, and post office in the borough or ward or district, and shall also insert such notice once in the principal newspaper or newspapers circulating in the district. The date of such poll shall not be sooner than *fourteen* nor later than *twenty-one* days after the receipt of such notice.

Mode of voting.

4. The returning officer shall make arrangements as nearly as possible in accordance with the Act for the time being in force for the taking of votes at parliamentary elections, only substituting the form of voting paper in the first part of the schedule of this Act for the form used at parliamentary elections.

Persons entitled to vote.

5. The persons who shall be qualified to vote are all persons entitled for the time being to vote in the borough, ward, or district at municipal or county council elections.

Majority to decide.

6. A majority of votes given in favour of the proposed refusal of licences for the sale of intoxicating liquors shall be taken as a decision in favour of adopting this Act.

A.D. 1894.

If adopted, the fact to be notified to the licensing authority, &c.

7. The returning officer shall, not later than the day after the poll has been taken, declare the number of votes for and against the adoption of the Act; and if adopted, he shall give notice of such adoption to the licensing authority for the time being having jurisdiction in the district, and to the Secretary of State for the Home Department; and such notice shall be proof in any proceeding under this Act, that the Act has been adopted.

Penalty for offences under this Act.

8. This Act when adopted in any borough, ward, or district shall take effect at the end of the year for which the licences then issued have been granted; and upon the expiring of such licences within the borough, ward, or district aforesaid, it shall not be lawful for the licensing authority to grant or renew any licences for the sale of intoxicating liquors within that borough, ward, or district, and any sale made shall be deemed to be a sale within provisions of, and subject to the penalties of the ninth of George the Fourth, chapter fifty-eight, applicable to the offence of selling spirits without a certificate.

Provided that nothing herein contained shall be held to affect any sale made under any statute permitting the sale of methylated spirits for use in the arts or manufactures, or the sale of intoxicating liquors for medicinal, or wine for sacramental use, under such conditions as the local authority may from time to time prescribe.

When a vote may again be taken.

9. If the Act is adopted in any borough, ward, or district no poll may be demanded for *five years;* but if not adopted another poll may be demanded in *two years.*

Cost of taking a vote.

10. The cost of taking the vote shall be paid out of the county rate in districts, and out of the general purposes rates or towns' rates in boroughs and wards, except as herein-before provided.

Prevention of offences.

11. It shall be the duty of the police to institute proceedings against any person or persons committing offences under this Act, and any person entitled to vote under the provisions of this Act may prosecute for offences if in the borough, ward, or district in which he is entitled to vote.

Title of Act, and extent.

12. This Act may be cited for all purposes as the Liquor Traffic Local Veto (England) Act, 1894, and shall apply to England only.

A.D. 1894.

SCHEDULE.

PART I.

Form of Voting Paper.

Counterfoil No.		Against Licence.	
		For Licences.	

PART II.

Form of Directions for the guidance of Voters to be printed in conspicuous Characters and placarded outside every Polling Station and in every Compartment of every Polling Station.

The voter, having obtained from the presiding officer a voting paper, shall go into one of the compartments, and with the pencil provided in the compartment, shall make a **X** in the space opposite the words *against* Licence if he wishes the granting and renewing of licences to be stopped, and in the space opposite the words *for* Licences if he is in favour of such granting and renewing.

The voter will then fold up the paper so as to show the official mark on the back to the presiding officer, and having done so shall, in the presence of the presiding officer, put the paper into the ballot box and leave the polling station. If the voter inadvertently spoils the voting paper he can return it to the presiding officer, who, on being satisfied as to such inadvertence, will give him another paper.

Liquor Traffic Local Veto (England).

A

B I L L

To enable Localities, by a direct Vote, to prevent the issue of Licences.

(*Prepared and brought in by Sir Wilfrid Lawson, Mr. Allison, Mr. Jacob Bright, Mr. Henry J. Wilson, Mr. Allen, Mr. Benn, Mr. Billson, Mr. Crosfield, Mr. Saunders, Mr. Fenwick, Mr. Snape, and Mr. Whittaker.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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[*Price* 1*d.*]

[Bill 70.]

A

B I L L

TO

Enable owners and occupiers in burghs, wards of burghs, parishes, and districts in Scotland to prevent the common sale of Intoxicating Liquors, or otherwise to have effectual control over the Drink Traffic, within such areas. A.D. 1894.

WHEREAS the traffic in intoxicating liquors is the main cause of poverty, disease, and crime, depresses trade and commerce, increases local taxation, and endangers the safety and welfare of the community:

And whereas it is expedient to confer power upon owners and occupiers of property in burghs, wards of burghs, parishes, and districts to prohibit such traffic:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Definitions.

1. The following terms in this Act shall have the meanings assigned to them respectively:

"Householder" in this Act shall mean any person, male or female, duly entered in the register of municipal voters in the case of towns, and in the register made in terms of the Local Government (Scotland) Act, 1889, in the case of counties:

"Burgh" shall mean any burgh in which a general or local Police Act is in force, and the boundaries of the burgh for the purposes of such Police Act shall be the boundaries for the purposes of this Act:

"Ward of a burgh" shall mean a ward of any burgh which has been divided into wards for the purposes of municipal elections:

"Parish" shall mean any parish not included in a burgh, or the landward part of a parish which is partly landward and partly burghal:

"District" shall mean a village or locality which may be partly within a burgh and partly within a county not being a parish or a burgh, or a ward of a burgh or wholly within

A.D. 1894.

a burgh, containing not less than three hundred inhabitants, the boundaries of which shall have been defined as provided under this Act:

"Sheriff" shall mean the sheriff or sheriff-substitute of any county:

"Intoxicating liquors" shall mean spirits, wine, beer, porter, ale, cider, perry, and sweets, and any fermented, distilled, or spirituous liquors which cannot, according to any law for the time being in force, be legally sold without a licence from the Commissioners of Inland Revenue:

"Licensing authority" shall mean in royal or parliamentary burghs the magistrates, and in counties and police burghs the justices of the peace or other authority empowered by law to grant and renew certificates for the sale of exciseable liquors:

"Confirming authority" shall mean the authority empowered to confirm new licences under the Publicans Certificates (Scotland) Act, 1876.

Boundaries of districts how defined.

2. The boundaries of any district shall be fixed by the sheriff on the application of any ten or more householders in such proposed district, accompanied, if the sheriff shall so require, by an undertaking to pay the expense of fixing the boundaries of the district, in case the applicants shall be found liable in expenses as after mentioned; and after such publication by advertisement or otherwise, as the sheriff may direct, the sheriff shall appoint and direct a proper person to make out and furnish within *fourteen days* a return showing to the best of his knowledge and belief the amount of the population within such district; and thereafter, and after such farther investigation (if any) as the sheriff may deem necessary or proper, the sheriff shall mark out, define, and specify on a written deliverance on such application the boundaries of such district, which may enlarge, restrict, or otherwise modify the boundaries set out in the application and declare that such district is a district within the meaning of this Act. Such deliverance shall be final, and when recorded, along with the application on which it proceeds, in the sheriff court books of the county, shall fix and determine the boundaries of such district for the purposes of this Act. The sheriff shall have discretionary power, if he shall consider the conduct of the applicants frivolous, unwarranted, or objectionable, to find them liable in expenses if a poll shall not be applied for within *three months* of the date of his deliverance.

A.D. 1894.

Application of householders for a poll to determine on the adoption or rejection of three resolutions.

3. It shall be lawful at any time after the *passing of this Act* for any number of householders in any burgh, ward of a burgh, parish, or district, being not fewer than one-tenth of the whole, by notice given in writing in the form set out in Schedule B. hereto annexed not later than the *first day of November* in any year, in the case of a burgh or ward of a burgh, to require the chief magistrate of the burgh, or in the case of a parish or district the sheriff of the county in which such parish or district (or the largest portion of the area thereof) is situated, to take a poll of the householders in such burgh, ward of a burgh, parish, and district for or against the adoption of the following resolutions not later than *twenty-one days*, nor sooner than *seven days*, after such notice in writing shall have been served on him, and such chief magistrate or sheriff shall be the returning officer under this Act:

(1.) First resolution.—That the sale of intoxicating liquors shall be prohibited.

(2.) Second resolution.—That the number of licences shall be reduced to a certain number, to be specified in such notice.

(3.) Third resolution.—That no new licences shall be granted.

In the case of any poll under this Act, a poll on each of the three resolutions shall be taken, except as herein-after provided.

Notice of time and place for receiving votes for or against the resolutions.

4. Not later than *seven days* after receiving such notice, together with an undertaking, if the returning officer shall so require, to pay the expenses of the proceedings in case none of the resolutions above mentioned shall be adopted, the returning officer shall cause a notice to be affixed on or near the principal door of the chief places of worship, and the door of every public school in the burgh, ward of a burgh, parish, or district, and shall cause such notice to be inserted in one or more newspapers published within the burgh, ward of a burgh, parish, or district (if any), or, if there are none such, in some other newspaper or newspapers largely circulated therein, duly setting forth the purpose of the said poll, and the said resolutions and the terms of this Act authorising the poll to be taken, and specifying on what day (but not later than *fourteen days*, nor sooner than *seven days*, after the publication of such notice) the householders therein will have the opportunity of voting for or against the adoption of this Act.

Persons entitled to vote and proof of voters qualification.

5. The persons entitled to vote under this Act shall be all householders within the burgh, ward of a burgh, parish, or district; and the register of municipal voters in the case of towns, and the register made in terms of the Local Government (Scotland) Act, 1889, in the case of counties, or certified copies thereof, shall be conclusive

A.D. 1894.

evidence that the persons therein named had, and continue to have, the qualifications annexed to their names.

Mode of voting.

6. At the time appointed for voting for or against the adoption of the resolutions the voting shall be conducted as nearly as possible in accordance with the Acts for the time being in force regulating the procedure to be observed at municipal elections:

Provided that the ballot papers shall be in the form set forth in the first part of the schedule to this Act, and the form of directions for the guidance of the voters set forth in the second part of the said schedule shall be substituted for any other form prescribed by law for municipal elections. Provided also that the returning officer shall be entitled to use any ballot boxes or fittings for polling stations and compartments provided for the county or burgh, within which such burgh, ward of burgh, parish, or district, or the larger part of such district, are situated free of charge; and any damage other than reasonable tear and wear caused to the same shall be paid as part of the expenses of said poll.

Resolution adopted by a majority.

7. Every householder entitled to vote shall have one vote for, or against, each resolution.

If a majority of the votes recorded for, or against, the first, second, or third resolution be in favour of its adoption, such resolution shall be carried, and, subject to the following proviso, shall be adopted:

Provided that—

(*a.*) Only one resolution shall be adopted.

(*b.*) If the first resolution is carried it shall be adopted, whether either, or both, of the other two resolutions have been carried or not.

(*c.*) If the second resolution is carried, and the first is not carried, the second resolution shall be adopted, whether the third resolution is carried or not.

(*d.*) If the third resolution is carried, and the first and second are not carried, the third resolution shall be adopted.

Declaration of poll.

8. The returning officer shall, not later than the next lawful day after the poll has taken place, declare the result of the voting, and whether any of the resolutions have been adopted or all have been rejected, and shall farther, if the first resolution has been adopted, give notice in the same manner as herein-before provided for the poll under this Act, intimating the date when such resolution is to come into operation, provided that it shall not be later than the expiry of licences to sell intoxicating liquors then current in said burgh, ward of a burgh, parish, or district. Such notice shall be conclusive proof in any proceedings under the Act that the Act

has been duly adopted. When any of the resolutions has been adopted, intimation thereof shall be sent by the returning officer within *seven days* to the Secretary of State for the Home Department and to the licensing authority of the burgh, ward of a burgh, parish, or district. Copies of such declaration and notice certified by the town clerk or sheriff clerk respectively shall be equivalent to the originals for all purposes.

First resolution. Prohibition of sale, barter, or exchange.

9. If the first resolution is adopted from and after the date when it comes into operation in any burgh, ward of a burgh, parish, or district it shall not be lawful to keep for sale, sell, or barter, or hawk, or otherwise dispose of intoxicating liquors therein; and any person or persons keeping for sale, selling, or bartering, or hawking, or otherwise disposing of intoxicating liquors contrary to this Act shall be guilty of an offence, and, on conviction, be subject to all the penalties of an Act passed in the ninth year of the reign of His Majesty King George the Fourth, chapter fifty-eight, and applicable to the offence of bartering or selling spirits without a certificate; and all such liquors, whatever the quantity may be, and all measures, jars, or other utensils used in holding, or measuring, or conveying them found in such person's property or custody shall be confiscated in the manner set forth in the twentieth section of the Public-Houses Amendment (Scotland) Act, 1862, and shall be either destroyed or sold subject to the provisions of this Act; and all fines levied for offences, and the proceeds of sales under this Act, shall be paid into the police funds of the burgh or county, as the case may be:

Penalties for breach of this Act.

Provided that nothing herein contained shall affect any right or privilege conferred or enjoyed by virtue of any licence current or in force when such resolution comes into operation; and that nothing herein contained shall be held to affect any sale made under any statute permitting the sale of methylated spirits for use in the arts and manufactures, or the sale of intoxicating liquors for medicinal use:

Provided also that it shall not be lawful for any person to sell in such burgh, ward of a burgh, parish, or district any intoxicating liquors for medicinal use except on the prescription of a legally qualified medical practitioner, and unless he is a pharmaceutical chemist, or a chemist and druggist registered under the Pharmacy Act, 1868, or any Act amending the same; and no such prescription shall authorise more than one such sale to be made thereon, and all such prescriptions shall be personally signed by said legally qualified medical practitioner with his full

A.D. 1894.

Christian and surname, and shall be truly dated, and shall further be duly filed and open for inspection by those who have the enforcement of this Act in charge; and it shall not be lawful to sell any intoxicating liquors for medicinal use unless the bottle or other vessel in which such intoxicating liquor is contained be distinctly labelled with the words "Intoxicating Liquors," and the name and address of the seller; and any person selling intoxicating liquor for medicinal use otherwise than is herein provided shall be liable to a penalty not exceeding *five pounds* for the first offence; and not exceeding *ten pounds* for the second or any subsequent offence; and for the purposes of this Act the person on whose behalf any sale is made by any apprentice or servant shall be deemed to be the seller.

Second resolution. Reduction of licences.

10. If the second resolution is adopted, it shall be the duty of the licensing authority at their next general meeting for granting and renewing certificates, to restrict the total number of certificates granted or renewed by them to or within the number specified in the resolution, and for this purpose each certificate shall be numbered by the licensing authority according to the order in which it is granted, and no certificate bearing a higher number than the number specified in the resolution shall be confirmed by the confirming authority, and no licence shall be granted in respect of such certificate by the Commissioners of Inland Revenue. Provided also that the licensing authority may fix and determine the order in which the list of applications shall be dealt with, and in doing so may give consideration to cases of plurality of licences and to their number and character in the different parts of the district.

Third resolution. Prohibition against new licences.

11. If the third resolution is adopted it shall not be lawful for the licensing authority after receiving intimation thereof to grant a certificate to any person for the sale of intoxicating liquors in any house or premises unless at the time of the adoption of such resolution a licence was current and in force for the sale of intoxicating liquors in such house or premises, and any certificate granted in contravention of this section shall be null and void.

When a poll may be again taken.

12. (1.) If the first resolution is adopted, a poll for its repeal may be demanded in manner provided by this Act, but not for five years after the date of such adoption, and in such case a poll shall be taken on the first resolution only.

(2.) If the second resolution is adopted, a poll may be again demanded on the question of a further reduction, and of the adoption of the first and third resolutions, but not for two years after the last poll has been taken.

A.D. 1894.

(3.) If the third resolution is adopted, no further polls shall be competent on that resolution, but in that case a poll may be again demanded on the first and second resolutions, but not for two years after the last poll has been taken.

(4.) If all the resolutions are rejected a poll may be again demanded in manner provided by this Act, but not for two years after the last poll has been taken. In the event of the rejection of all the resolutions, the returning officer shall have discretionary power to find the applicants liable in the expenses of the poll should their action be in his judgment unwarranted or objectionable.

Expenses.

13. Where a poll has been taken, the expenses of the proceedings, including in a district the expense of defining the boundaries, shall, except to the extent to which the sheriff or returning officer may find the householders who apply to have the boundaries of a district fixed or a poll taken respectively liable in expenses, be defrayed out of the police assessment in counties and burghs.

Prosecution of offences.

14. (1.) When any resolution under this Act has been adopted in any burgh, ward of a burgh, parish, or district, it shall be the duty of the Procurator-Fiscal of the Police Court of a burgh, and, in the case of a parish or district, the Procurator-Fiscal of the Sheriff Court of the county, to investigate charges and prosecute for offences under this Act, and he shall, unless he is paid for such duty by salary, be entitled to fees according to the scale fixed in the Summary Jurisdiction (Scotland) Act, 1881, which shall be paid out of the police funds of the burgh or of the county in which such parish or district is situated.

(2.) All offences under this Act shall be prosecuted under the Summary Jurisdiction (Scotland) Act, 1864 and 1881, and any Acts amending the same.

Title and extent of Act.

15. This Act may for all purposes be cited as the Liquor Traffic (Local Veto) (Scotland) Act, 1894, and shall apply to Scotland only.

A.D. 1894.

SCHEDULES.

SCHEDULE (A).

PART I.

Form of Ballot Paper.

Counterfoil No.

NOTE.—The Counterfoil is to have a number to correspond with a number on the back of the ballot paper.

Resolutions.	For.	Against.
I. Prohibition.		
II. Reduction.		
III. No new licences.		

PART II.

Form of Directions for the Guidance of the Voter in voting, which shall be printed in conspicuous Characters, and placarded outside every Polling Station and in every Compartment of every Polling Station.

The voter may vote for or against each of the three resolutions.

The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross opposite each resolution either in the column headed "For" or in the column headed "Against," thus X

The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

If the voter votes more than once for any Resolution, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be guilty of a misdemeanor, and be subject to imprisonment for any term not exceeding six months, with or without hard labour.

Note.—These directions shall be illustrated by examples of the ballot paper.

SCHEDULE (B).

A.D. 1894.

To (Provost or Chief Magistrate of)

or

To the Honorable the Sheriff of

The County of

We, the undersigned, being not fewer than one-tenth of the whole householders , do hereby in terms of the Liquor Traffic, Local Veto (Scotland) Act, 1894, section 3, require you to take a poll of the householders in said for or against the adoption of the three resolutions specified in said Act.

Place and date

Signatures

Liquor Traffic, Local Veto (Scotland).

A

B I L L

To enable owners and occupiers in burghs, wards of burghs, parishes, and districts in Scotland to prevent the common sale of Intoxicating Liquors, or otherwise to have effectual control over the Drink Traffic, within such areas.

(*Prepared and brought in by Mr. John Wilson* (Govan), *Sir Chas. Cameron, Sir Leonard Lyell, Mr. Cameron Corbett, Dr. Clark, Mr. Birrell, and Mr. Angus Sutherland.*)

Ordered, by The House of Commons, *to be Printed*, 16 *March* 1894.

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[*Price* 1½*d.*]

[Bill 82.]

A

B I L L

TO

Enable Owners and Occupiers in Wales to have Effectual Control over the Liquor Traffic.

A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application for poll as to resolutions.

1. One-tenth of the local government electors in any of the areas herein-after mentioned may address a requisition in writing to the authority herein-after mentioned requiring that authority to cause a poll of those electors to be taken for or against the adoption of the following resolutions—

(1.) First resolution—That the sale of intoxicating liquors shall be prohibited.

(2.) Second resolution—That the number of licences shall be reduced to a certain number to be specified in such requisition.

(3.) Third resolution—That no new licences shall be granted.

Proceedings if first resolution is adopted.

2.—(1.) If a majority of two-thirds of the persons voting on the first question resolve the question in the affirmative, then, while the resolution is in force, no licence shall be granted or renewed for the sale of intoxicating liquors within the area.

(2.) When a poll has been taken in any area on the above question a further poll on the same question shall not be taken before the expiration of *five years* from the date when the resolution comes into force.

(3.) Subject as aforesaid, while a resolution affirming the above question is in force, one-tenth of the local government electors in the area may address a requisition in writing to the authority herein-after mentioned requiring that authority to cause a poll of those electors to be taken on the question whether total closing shall be abolished, and thereupon a poll shall be taken accordingly; and if a majority of two-thirds of the persons voting at the poll.

A.D. 1894.

resolve that total closing be abolished, it shall be abolished accordingly.

(4.) A poll may be taken in pursuance of this section at any time after the *passing of this Act*, but any resolution passed in pursuance of this section shall not come into force at any time before the annual general meeting for the granting or renewal of licences next following.

(5.) In this section the expression "licence" has the same meaning as in the Licensing Act, 1872.

Proceedings if second resolution is adopted.

3.—(1.) If the second resolution is adopted by a majority of the persons voting on the question it shall be the duty of the licensing authority, at their next general meeting for granting and renewing certificates, to restrict the total number of certificates granted or renewed by them within the area to or within the number specified in the resolution, and for this purpose each certificate shall be numbered by the licensing authority according to their discretion and in the order in which it is granted, and the Commissioners of Inland Revenue shall grant no licence in respect of any certificate bearing a higher number than the number specified in such resolution.

(2.) If the second resolution is adopted, a poll may be again demanded on the question of a further reduction and of the adoption of the first and third resolutions, but not for *two years* after the last poll has been taken.

Proceedings if third resolution is adopted.

4.—(1.) If the third resolution is adopted, it shall not be lawful for the licensing authority, after receiving intimation thereof, to grant a certificate for a new licence to any person for the sale of intoxicating liquors in any house or premises within the area in which the poll has been taken.

(2.) If the third resolution is adopted, a poll may be again demanded on the first and second questions, but not for two years after the last poll has been taken.

5. A poll on each of the three resolutions shall be taken except as herein-after provided:

(1.) Every voter shall have one vote for or against each resolution.

(2.) The first resolution shall be carried if it receives two-thirds of the votes recorded for or against it.

(3.) The second and third resolutions shall be carried if they shall receive a majority of the votes recorded for or against them respectively.

(4.) If any resolution is carried it shall be adopted, provided that, in case more than one resolution is carried, only one shall be adopted, and in such adoption the first resolution shall be preferred to the second and third, and the second to the third.

Areas.

6. The areas for the purposes of this Act shall be—

(*a.*) In the case of a borough or other urban sanitary district not divided into wards, that borough or district;

(*b.*) In the case of a borough or other urban sanitary district divided into wards, a ward of that borough or district;

(*c.*) In the case of a rural sanitary district, a parish within that district, or so much of the parish as is in that district;

Definition.

7. For the purposes of this Act the expression "local government electors" shall mean the persons registered in the local government register of electors in respect of qualifications situate within the area for which a poll is taken.

Authorities.

8. The authorities for the purposes of this Act shall be—

(*a.*) For a borough, the borough council;

(*b.*) For an urban sanitary district other than a borough, the urban district council;

(*c.*) For a parish within or partly within a rural sanitary district, the parish council;

Saving as to arts and manufactures.

9. Nothing in this Act shall affect the sale of methylated spirits for use in the arts or manufactures under any enactment permitting such sale.

Saving as to medicinal purposes.

10. Nothing in this Act shall prevent the sale of intoxicating liquors for medicinal purposes by a chemist or druggist within the meaning of the Pharmacy Act, 1868, in pursuance of a medical prescription signed by a duly qualified medical practitioner.

Rules for taking poll.

11.—(1.) With respect to the mode of taking a poll in pursuance of this Act, the rules in the schedule of this Act, with such additions and modifications (if any) as the Local Government Board may by order prescribe, shall be observed.

(2.) The Ballot Act, 1872, including the penal provisions thereof, shall, subject to such adaptations as may be prescribed by order of the Local Government Board, apply in the case of a poll taken in pursuance of this Act in like manner as in the case of a poll taken at a Parliamentary or local council election.

(3.) If any person is guilty of a corrupt practice at or in connexion with a poll taken in pursuance of this Act he shall, on summary

A.D. 1894.

conviction, be liable for each offence to a fine not exceeding *two pounds*, and be disqualified for a term of *six years* after the taking of the poll from voting at any parliamentary election, or at any election to a county council, borough council, school board, or other local authority, and from being a member of any county council, school board, or other local authority. For this purpose the expression "corrupt practice" shall include personation and offences relating thereto, and all bribery, treating, and undue influence which under any Act relating to a parliamentary election makes the election void.

(4.) If any person is guilty of any misfeasance in the execution of his duties under this Act, in connexion with the taking of a poll, he shall, on summary conviction, be liable to a fine not exceeding *fifty pounds*.

(5.) The necessary expenses of the authority incurred in pursuance of this Act shall be defrayed out of the rates or fund applicable to the general expenses of the authority; and if any person knowingly provides money for any other payment of expenses in relation to a poll taken in pursuance of this Act, or for replacing any money expended in any such payment or expenses, he shall be guilty of illegal payment within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, and the provisions of that Act shall apply accordingly.

(6.) Every order made by the Local Government Board under this section shall be printed by the Queen's printer, and published under the authority of Her Majesty's Stationery Office, and shall, while in force, have effect as if enacted by this Act.

Declaration of poll.

12. The returning officer shall, not later than the day after the poll has taken place, declare the result of the voting, and whether any of the resolutions have been adopted or all have been rejected, and further, if the first resolution has been adopted, give notice in the same manner as is provided for the poll under this Act, intimating that such resolution shall come into operation on the day after that on which licences to sell intoxicating liquors then current in such vetoing district shall expire. Such notice shall be conclusive proof in any proceedings under this Act that the Act has been duly adopted. When any of the resolutions has been adopted, intimation thereof shall be sent by the returning officer to the Secretary of State for the Home Department and to the licensing authority of the borough or urban or rural district, and to the clerk of the peace of the county in which such borough or district is situate.

Returning officer's charges.

13. The returning officer shall be entitled to his reasonable charges for performing the duties assigned to him by this Act. Such charges shall not exceed the sums specified in the Fourth Schedule to this Act.

Conduct of voting.

14. At the time appointed for voting for or against the adoption of the resolutions the voting shall be conducted as nearly as possible in accordance with the Acts for the time being in force regulating the procedure to be observed at municipal elections: Provided that the ballot papers shall be in the form set forth in the first part of the Fourth Schedule to this Act, and the form of directions for the guidance of the voters set forth in the second part of the said schedule shall be substituted for any other form prescribed by law for municipal elections.

Offences.

15.—(1.) When any resolution under this Act has been adopted in any district, it shall in the case of a borough having a separate police force be the duty of the chief officer of police in such borough, and in the case of any other district the duty of the chief officer of police of the county, to investigate charges and prosecute for offences under this Act.

(2.) All offences under this Act shall be prosecuted in a summary manner before not less than two magistrates or justices of the peace.

Short title and application of Act.

16. This Act may for all purposes be cited as the Liquor Traffic (Local Veto) (Wales) Act, 1894, and shall apply to Wales (including the county of Monmouth) only.

A.D. 1894.

SCHEDULES.

FIRST SCHEDULE.

PART I.

Rules for Taking of Poll.

1. The authority to whom a requisition is addressed in pursuance of this Act shall appoint a person to act as returning officer at any poll taken in pursuance of this Act, and shall not later than *ten* days after the date of the receipt of the requisition fix a day for the poll not sooner than *twenty* and not later than *thirty* days after that date.

2. The returning officer shall give notice of the poll by causing a printed notice of the time and place thereof to be posted in conspicuous places in the area for which the poll is to be taken.

3. The returning officer shall make arrangements as nearly as may be in accordance with the Acts for the time being in force for the taking of votes at municipal elections, substituting for the form of voting paper used at municipal elections one of the following forms:—

FORM OF BALLOT PAPER.

A.—Resolution: That the Sale of Intoxicating Liquors shall be prohibited.

No. of Counterfoil [corresponding with the number on the back of the Ballot Paper].	**For** Total Closing.	
	Against Total Closing.	

B.—Resolution: That the Number of Licences shall be reduced to

No. of Counterfoil [corresponding with the number on the back of the Ballot Paper].	**For** Reduction.	
	Against Reduction.	

C.—Resolution: That no New Licence shall be granted.

No. of Counterfoil [corresponding with the number on the back of the Ballot Paper.]	**For** Preventing New Licences.	
	Against Preventing New Licences.	

D.—Resolution: That Total Closing shall be abolished. A.D. 1894.

No. of Counterfoil [corresponding with the number on the back of the Ballot Paper].	**For** Abolition of Total Closing.	
	Against Abolition of Total Closing.	

4. The returning officer shall as soon as possible declare the result of the poll.

5. If the resolution is adopted, the returning officer shall give notice to one of Her Majesty's Principal Secretaries of State.

Part II.

Form of directions for guidance of the Voter in voting, which shall be printed in English and Welsh in conspicuous characters and placarded outside every polling station and in every compartment of every polling station.

The voter may vote for or against each of the three resolutions.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross opposite each resolution either in the column headed "For" or in the column headed "Against," thus X.

The voter will then fold up the ballot paper so as to show the official mark on the back, and, leaving the compartment, will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper in the ballot box, and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence give him another paper.

If the voter vote more than once for any resolution, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given by the officer, he will be guilty of a misdemeanour, and be subject to imprisonment for any term not exceeding six months, with or without hard labour.

Note.—These instructions shall be illustrated by examples of the ballot paper.

A.D. 1894.

SECOND SCHEDULE.

Notice (Section I.) required to be given to the Council of a Borough or the Chairman of Urban District Council Authority or Parish Council to take a poll of ratepayers.

To the Council of the borough of (*or* urban district council *or* parish council).

We, the undersigned, being one-tenth of the ratepayers of the borough of (*or* of the urban sanitary district *or* parish) within the meaning of the Liquor Traffic Local Veto (Wales) Act, 1894, hereby require you as council of the borough (as the said authority) to take a poll of the ratepayers on the first, second, and third (*or* the first and second, *or* the first, *as the case may be*) resolutions that follow, as specified in Section I. of the said Act.

Resolutions.—1.—That the sale of intoxicating liquors shall be prohibited.

2.—That the number of licences shall be reduced to .

3.—That no new licences shall be granted.

(Signed)

Name.	Residence.	Occupation or Description.

THIRD SCHEDULE.

Notice (Section III.) to be issued by the Returning Officer, setting forth the purposes of the poll, and the date on which the poll shall be taken, &c.

NOTICE

Borough of (*or* the urban sanitary district *or* parish).

TAKE NOTICE.—I, being the returning officer appointed by the in accordance with a requisition from [*state number of signatories*] ratepayers of the borough of (*or* the urban sanitary district *or* parish) requiring me to take a poll of the said borough (*or* district) in accordance with the provisions of the Liquor Traffic Local Veto (Wales) Act, 1894, hereby give notice that I shall proceed to take a poll of the ratepayers of the said borough (*or* district) for the purpose of submitting to their vote the following resolutions respecting the granting of licences for the sale of intoxicating liquors within the said borough (*or* district).—

1.—That the sale of intoxicating liquors shall be prohibited.

2.—That the number of licences shall be reduced to

3.—That no new licences shall be granted.

The poll will take place on the day of from the hour of eight in the morning until eight in the evening, at , and shall be conducted in accordance with the provisions of the Act.

Dated this day of

(Signed)

A.D. 1894.

FOURTH SCHEDULE.

CHARGES OF RETURNING OFFICER.

The following are the maximum charges to be made by the Returning Officer, but the charges are in no case to exceed the sums actually paid or payable.

	£	s.	d.
For preparing and publishing notice, as required by section iii. -	2	2	0
For hire, necessary fitting up, or constructing rooms or buildings for polling, or damage or expenses by or for use of such rooms or buildings, per polling station - - - -	5	5	0
For each ballot box required to be purchased - - -	1	1	0
For the use of each ballot box when hired - -	0	5	0
For stationery at each polling station - - - -	0	5	0
For printing and providing ballot papers, per thousand - -	1	10	0
For each stamping instrument - - - - -	0	10	0
For copies of the rate book, per one hundred names - -	0	7	6
For each presiding officer - - - - -	2	2	0
For one clerk at each polling station where not more than five hundred voters are assigned to such station - - -	1	1	0
For an additional clerk at each polling station for every number of five hundred voters, or fraction thereof, beyond the first five hundred assigned to such polling station - - -	1	1	0
For every person employed in counting votes, not exceeding six such persons where the number of ratepayers entitled to vote does not exceed three thousand, and one for every additional five hundred voters - - - - - - -	1	1	0
For making the three returns required by section ix., for each return - - - - - - - -	0	10	6
For conveyance of ballot boxes from the polling stations to the place where the ballot papers are to be counted, per mile -	0	1	0
For travelling expenses of presiding officers and clerks, per mile -	0	1	0
For advertising and all other expenses - - - -	10	0	0

Liquor Traffic Local Veto (Wales).

A

B I L L

To enable Owners and Occupiers in Wales to have Effectual Control over the Liquor Traffic.

(*Prepared and brought in by*
Mr. Bowen Rowlands, Mr. Lloyd-George,
Mr. Rowland Jones, Mr. Abel Thomas,
Mr. Lloyd Morgan, and Mr. Burnie.)

Ordered, by The House of Commons, *to be Printed,*
16 *March* 1894.

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90, West Nile Street, Glasgow; or
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[*Price* 1½*d.*]

[Bill 50.]

Liverpool Corporation Churches Bill

MEMORANDUM.

The object of this Bill is to put an end to the taxation of the inhabitants of Liverpool for the maintenance of the structures, ministers, and other officials of ten of the churches of the city, by removing the obligation imposed by Statute upon the Liverpool Corporation before the passing of the Municipal Corporation Act of 1835.

It respects existing vested interests by continuing the payments made to the present ministers and officials. It also continues the payments for church expenses and repairs until the end of 1895, when the Corporation will cease to receive any pew rents. It provides for compensation to the owners of advowsons, and it arranges terms of transfer to the Corporation of the sites of two of the city churches.

The Bill does not include the two *parish* churches of Liverpool, which are also partly maintained by rates; but deals only with the churches to the support of which the Corporation has to contribute under the existing Statutes.

A

B I L L

TO

Remove the obligations imposed by Statute upon the Liverpool Corporation to maintain, wholly or in part, certain Clergymen, Church Officers, and Churches in Liverpool. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Liverpool Corporation Churches Act, 1894.

Construction of Act.

2. In this Act the expression "the scheduled Acts" means the Acts enumerated in the First Schedule to this Act.

The expression "the corporation churches" means the several churches named in the Second Schedule to this Act.

The expression "the Corporation" means the mayor, aldermen, and citizens of the city of Liverpool.

Cessation of payments to ministers and others.

3. The Corporation shall continue to pay to the ministers, curates, organists, sextons, and other church officials and attendants of the corporation churches who may be holding their respective offices at the time of the *passing of this Act*, the several stipends, salaries, or other annual payments named in the scheduled Acts, or such other sums as may be paid annually by the Corporation at such time, so long as they continue to hold such offices, or to discharge the duties thereof, or other duties for which such payments are now made; but the Corporation shall not be liable to make, and shall not make, similar payments to their successors.

Cessation of payments for expenses of churches.

4. From and after the *thirty-first day of December one thousand eight hundred and ninety-five*, the Corporation shall not be liable to pay and shall not pay any of the sums required to be paid by any

A.D. 1894.

of the scheduled Acts, or which it may now pay, for the repairs, insurance, lighting, warming, and cleaning of the corporation churches, or for any other expenses connected therewith.

Corporation not to receive pew rents.

5. From and after the date named in the last section, the Corporation shall not be entitled to receive any pew rents which may be now payable at any of the corporation churches.

Compensation to purchasers of advowsons.

6. The Corporation, if application is made to them, within *six months* after the passing of this Act, by or on behalf of any person who is the owner by purchase from the Corporation of an advowson of any benefice affected by this Act, shall on the occurrence of any vacancy in that benefice after that date, pay in compensation for the extinction of all claims under such advowson, a sum not exceeding the amount of *one year's payment*, hitherto made by the Corporation to the holder of that benefice.

Payment for sites of churches.

7. Upon conveyance to the Corporation of the site of the church of Saint George's, and the site and graveyard of the church of Saint John's for the purpose of being maintained as open spaces, or either of them, and upon the removal of the churches standing thereon, the Corporation shall pay an amount not exceeding *five shillings* per square yard for the land so conveyed.

Repeal of Acts.

8. So much of the scheduled Acts as are inconsistent with the provisions of this Act are hereby repealed.

SCHEDULES.

A.D. 1894.

FIRST SCHEDULE.

Acts relating to the Liverpool Corporation Churches.

1 Geo. 1. c. 21.
21 Geo. 2. c. 24.
2 Geo. 3. c. 68.
7 Geo. 3. c. 80.
12 Geo. 3. c. 36.
32 Geo. 3. c. 76.
54 Geo. 3. c. 111.
4 Geo. 4. c. 89.
3 Geo. 4. c. 19.
7 Geo. 4. c. 51.
10 Geo. 4. c. 11.
1 & 2 Vict. c. 98.
2 & 3 Vict. c. 33.

SECOND SCHEDULE.

The Liverpool Corporation Churches.

St. George.
St. Thomas.
St. John.
St. Paul.
St. Ann.
Holy Trinity.
St. Michael.
St. Luke.
St. David.
St. Martin.

Liverpool Corporation Churches.

A

B I L L

To remove the obligations imposed by Statute upon the Liverpool Corporation to maintain, wholly or in part, certain Clergymen, Church Officers, and Churches in Liverpool.

(*Prepared and brought in by Mr. Snape, Mr. Neville, Mr. T. P. O'Connor, Mr. Crosfield, Mr. S. Williamson, Mr. Herbert Lewis, and Mr. Brunner.*)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1894.

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[*Price* 1*d.*]

[Bill 63.]

A

BILL

TO

Amend the Law relating to Local Courts of Bankruptcy in Ireland. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Local Courts of Bankruptcy (Ireland) Act, 1894.

Construction of Act.

2. This Act shall be read with the Irish Bankrupt and Insolvent Act, 1857, the Bankruptcy (Ireland) Amendment Act, 1872, the Local Bankruptcy (Ireland) Act, 1888, the Preferential Payments in Bankruptcy (Ireland) Act, 1889, and any Act or Acts amending the same.

Definition.

3. "Proceeding" in this Act shall mean a petition by a debtor for arrangement with his creditors, a petition by a debtor against himself for adjudication as a bankrupt, a petition by a creditor against a debtor for adjudication, and shall include a debtor's summons and declaration of insolvency.

Proceeding on vacancy of office of judge of local bankruptcy court.

4. From and after the *passing of this Act* the Lord Lieutenant, upon the occurrence of a vacancy in the office of a judge of a local bankruptcy court, may by Order in Council direct that no proceeding, as defined by this Act under the Irish Bankrupt and Insolvent Act, 1857, the Bankruptcy (Ireland) Amendment Act, 1872, or any Act amending the same, shall be taken as to a person who shall reside or have his sole office or place of business within the district assigned to a local bankruptcy court, save in such court, and such order may be made at any time with the consent of the existing judge of a local bankruptcy court. Provided always, that nothing in this section or such order shall invalidate a proceeding by reason of its having been taken in a wrong court, but such proceeding shall forthwith, by the registrar of the said court, be transferred to

A.D. 1894.

the court in which it should have been commenced, unless an application to the court in which such proceeding shall have been wrongfully instituted shall be made by the majority of the creditors in number or value that such proceeding shall be carried on in the court in which it has been commenced, and in which case the said court may retain the said proceeding. In all applications for the retention of a proceeding under this Act the costs of all parties shall be in the discretion of the court to which such application is made.

Transfer to court of bankruptcy.

5. The judge of a local bankruptcy court may, either of his own motion or on the application of a debtor or creditor, transfer to the court of bankruptcy any matter pending in such local bankruptcy court, and the provisions in the fifteenth section of the Local Bankruptcy (Ireland) Act, 1888, so far as the same are applicable shall apply to the matter so transferred.

Retransfer from court of bankruptcy.

6. The court of bankruptcy may, and at the close of the matter shall, retransfer the said matter and all proceedings thereunder to the local bankruptcy court from which it was transferred, and the provisions in the fifteenth section of the Local Bankruptcy (Ireland) Act, 1888, so far as the same are applicable shall apply to the matter so retransferred as if the matter had been instituted in the court of bankruptcy and transferred to a local bankruptcy court under the said section.

Court of bankruptcy not to make order as to transfer.

7. The court of bankruptcy shall not make an order to transfer to the said court any matter pending in a local bankruptcy court.

Notification by judge of court.

8. It shall not be necessary to notify to the court of bankruptcy any adjudication or proceedings in any matter in a local bankruptcy court, save such as the judge thereof shall direct to be notified.

Making orders.

9.—(1.) The judges of the court of bankruptcy may from time to time make general orders in respect of the matters aforesaid.

(2.) The Lord Lieutenant as regards local courts of bankruptcy by Order in Council may from time to time make orders and revoke such orders in respect of the matters aforesaid.

Appointment of additional clerks.

10. If at any time it shall appear to the Lord Chancellor and the Treasury that the staff of officers for the time being provided for any local bankruptcy court is insufficient for the discharge of the duties of the said court, such additional clerk or clerks may

be appointed to discharge such of the said duties during such periods, and subject to such regulations as may be from time to time prescribed by the Lord Chancellor, provided that every such appointment shall be made as follows :—

(1.) The appointment shall be made as in the case of other officers of the local bankruptcy courts.

(2.) Every person so appointed shall possess such qualification, and may be required to pass such examination as the Lord Chancellor may from time to time prescribe, and shall be removable by the Lord Chancellor at his discretion.

Duties of clerks.

11. Every officer or clerk appointed, or to be appointed, to any office in a local bankruptcy court may by the judge of the said court be required, and, if required, shall be empowered to discharge such duties in connexion with the civil bill court or recorder's court, of which the judge of the local bankruptcy court is judge, as the said judge shall appoint. *The Treasury may direct that such annual or other allowance as they think proper shall be made to any existing officer or person appointed to a local bankruptcy court for defraying the expense of necessary clerical assistance, postage, books, stationery, and other requisites of his office.*

Local Courts of Bankruptcy (Ireland).

A

B I L L

To amend the Law relating to Local Courts of Bankruptcy in Ireland.

(*Prepared and brought in by Mr. M'Cartan, Mr. Wolff, Mr. Maurice Healy, Mr. Samuel Young, Mr. Knox, and Mr. Flynn.*)

Ordered, by The House of Commons, *to be Printed*, 26 *April* 1894.

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[Bill 197.]

16 MAR 1971